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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
11

12 ROBERT ALEXANDER KASEBERG,
13 Plaintiff,

14 v.

15 CONACO, LLC, TURNER
16 BROADCASTING SYSTEM, TIME
17 WARNER, INC., CONAN O'BRIEN,
18 JEFF ROSS, MIKE SWEENEY; DOES
1-50, inclusive,
19 Defendants.
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CASE NO.: 3:15-CV-01637-JLS-DHB
Hon. David H. Bartick

**DECLARATION OF NICHOLAS
HUSKINS**

DECLARATION OF NICHOLAS HUSKINS

I, NICHOLAS HUSKINS, declare and state as follows:

1. I am an attorney at law duly licensed to practice before all courts of the State of California and am an Associate of the law firm of Glaser Weil Fink Howard Avchen & Shapiro LLP, attorneys of record herein for Defendants Conaco, LLC (“Conaco”); Turner Broadcasting System, Inc.; Time Warner, Inc.; Conan O’Brien; Jeff Ross; and Mike Sweeney (collectively, “Defendants”). I make this declaration in support of Defendants’ position in the corresponding Joint Motion for Determination of Discovery Dispute (the “Motion”). The facts set forth herein are true of my own personal knowledge, and if called upon to testify thereto, I could and would competently do so under oath.

2. On May 18, 2016, I met and conferred with Plaintiff’s counsel, pursuant to Civil Local Rule 26.1.a, concerning outstanding discovery issues raised by both parties. Relevant to this Motion, the parties were unable to reach a resolution concerning ROGS 1-3 to all Defendants, ROGS 4-5, 7 to Conaco, and RFPs 3-8 to Conaco during the meet and confer, or in subsequent correspondence.

3. Attached as **Exhibit 1** is a true and correct copy of Plaintiff’s Interrogatories to Defendant Time Warner Inc. (Set One), served on March 14, 2016.

4. Attached as **Exhibit 2** is a true and correct copy of Plaintiff’s Interrogatories to Defendant Turner Broadcasting System (Set One), served on March 14, 2016.

5. Attached as **Exhibit 3** is a true and correct copy of Plaintiff’s Interrogatories to Defendant Conaco, LLC (Set One), served on March 14, 2016.

6. Attached as **Exhibit 4** is a true and correct copy of Plaintiff’s Interrogatories to Defendant Mike Sweeney (Set One), served on March 14, 2016.

7. Attached as **Exhibit 5** is a true and correct copy of Plaintiff’s Interrogatories to Defendant Conan O’Brien (Set One), served on March 14, 2016.

8. Attached as **Exhibit 6** is a true and correct copy of Plaintiff’s

1 Interrogatories to Defendant Jeff Ross (Set One), served on March 14, 2016.

2 9. Attached as **Exhibit 7** is a true and correct copy of Plaintiff's Requests
3 for Production of Documents and Things to Defendant Conaco, LLC (Set One),
4 served on March 14, 2016.

5 10. Attached as **Exhibit 8** is a true and correct copy of Time Warner Inc.'s
6 Objections and Response to Plaintiff's Interrogatories (Set One), served on April 18,
7 2016.

8 11. Attached as **Exhibit 9** is a true and correct copy of Turner Broadcasting
9 System, Inc.'s Objections and Response to Plaintiff's Interrogatories (Set One),
10 served on April 18, 2016.

11 12. Attached as **Exhibit 10** is a true and correct copy of Conaco, LLC's
12 Objections and Response to Plaintiff's Interrogatories (Set One), served on April 18,
13 2016.

14 13. Attached as **Exhibit 11** is a true and correct copy of Mike Sweeney's
15 Objections and Response to Plaintiff's Interrogatories (Set One), served on April 18,
16 2016.

17 14. Attached as **Exhibit 12** is a true and correct copy of Conan O'Brien's
18 Objections and Response to Plaintiff's Interrogatories (Set One), served on April 18,
19 2016.

20 15. Attached as **Exhibit 13** is a true and correct copy of Jeff Ross'
21 Objections and Response to Plaintiff's Interrogatories (Set One), served on April 18,
22 2016.

23 16. Attached as **Exhibit 14** is a true and correct copy of Conaco, LLC's
24 Objections and Response to Plaintiff's Request for Production of Documents and
25 Things (Set One), served on April 18, 2016.

26 17. Attached as **Exhibit 15** is a true and correct copy of the meet and confer
27 letter I sent to Plaintiff's counsel, Jayson Lorenzo, on May 9, 2016.

28 18. Attached as **Exhibit 16** is a true and correct copy of the meet and confer

Glaser Weil

1 letter sent to me from Plaintiff's counsel, Jayson Lorenzo, on May 18, 2016.

2 19. Attached as **Exhibit 17** is a true and correct copy of an email, including
3 attachments, I sent to Plaintiff's counsel, Jayson Lorenzo, with Defendants' Joint
4 Motion for Determination of Discovery Dispute and corresponding documents
5 attached, dated June 1, 2016.

6 20. Attached as **Exhibit 18** is a true and correct copy of an email, including
7 attachments, Sent to me from Plaintiff's counsel, Jayson Lorenzo, with Plaintiff's
8 Joint Motion for Determination of Discovery Dispute and corresponding documents
9 attached, dated June 2, 2016.

10 21. Attached as **Exhibit 19** is a true and correct copy of an email chain
11 between myself and Plaintiff's counsel, Jayson Lorenzo, dated May 19 – May 31,
12 2016.

13 22. Attached as **Exhibit 20** is a true and correct copy of an email chain
14 between myself and Plaintiff's counsel, Jayson Lorenzo, dated May 19 – May 31,
15 2016.

16 I declare under penalty of perjury pursuant to the laws of the United States of
17 America that the foregoing facts are true and correct.

18 Executed on June 9, at Los Angeles, California.

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22 _____
23 NICHOLAS HUSKINS
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Exhibit 1

1 PLAINTIFF requests that the responding party respond in writing, and under oath, to the following
2 interrogatories within 30 days of the service of these requests.

3 DEFINITIONS

4 A. As used herein, the term "DOCUMENT" or "DOCUMENTS" means any written,
5 recorded or graphic matter, however produced or reproduced, or "writing" of any kind, including, but
6 not limited to, correspondence, memoranda, reports, studies, analyses, contracts, agreements, invoices,
7 charts, graphs, indices, data sheets, data processing cards or tapes, notes, work papers, entries, letters,
8 telegrams, forms, advertisements, brochures, circulars, tapes, records, bulletins, papers, books, maps,
9 drawings, accounts, photographs, transcriptions, recordings, magnetic tapes, disks, imprinted cards,
10 minutes and records of meetings, reports, financial statements, (including, but not limited to, income
11 statements, balance sheets, and statements of changes in financial position) financial calculations,
12 estimates, transactional documents, promissory notes, deeds of trust, closing statements, escrow
13 documents, title documents, security agreements, bonds, letters of credit, reports of telephone or oral
14 conversations, appointment books, calendars or diaries, and includes, but is not limited to, the term
15 "writing", including any and all "handwriting, typewriting, printing, photostating, photographing, and
16 every other means of recording upon any tangible thing any form of communication or representation,
17 including letters, words, pictures, sounds, or symbols, or combinations thereof." "DOCUMENT" or
18 "DOCUMENTS" includes all drafts and all finalized and/or executed writings, and includes all
19 electronic recordings of any information whether that information is electronic mail or other form of
20 electronic means of preserving information and/or is stored on a "hard" disk, 5 1/4" or 3 1/2" disk, laser
21 disk, magnetic or other tape, personal computer or mainframe computer. If YOU do not have custody
22 or control of the original, the term "DOCUMENT" or "DOCUMENTS" shall also include any carbon
23 or photograph or any other copies, telephone messages, reproductions or facsimiles thereof. If YOU
24 have custody or control of the original and copies, reproduction or facsimiles, the term "DOCUMENT"
25 or "DOCUMENTS" shall mean the original of any copy or reproduction or facsimile that is in any way
26 different from the original.

27 B. As used herein, "COMPLAINT" refers to the complaint filed by PLAINTIFF in this
28 case.

1 C. As used herein, "DENIAL" refers to denials made in YOUR answer to the
2 COMPLAINT.

3 D. As used herein, "PLAINTIFF" refers to Plaintiff ROBERT ALEXANDER
4 KASEBERG.

5 E. As used herein, "DEFENDANT" refers to Defendant TIME WARNER, INC.

6 F. As used herein, "INCIDENT" refers to the circumstances and events described in
7 PLAINTIFF's Complaint.

8 G. As used herein, "IDENTIFY ALL WITNESSES" shall mean by name, last known
9 address and last known telephone number.

10 H. As used herein, the terms "YOU" and "YOUR" refers to DEFENDANT, individually
11 and collectively, and his or her, its or their affiliates and parent company and anyone acting on their,
12 her or its behalf, including, but not limited to, past and present officers, directors, shareholders, agents,
13 employees, representatives, affiliates, attorneys, accountants, investigators, or anyone else acting in
14 their, her or its interest, on their, her or its behalf, or at their, her or its request, and each of them.

15 I. As used herein, the term "PERSON" includes ANY natural person, firm, association,
16 organization, partnership, business, trust, corporation, limited liability company, joint venture or public
17 entity.

18 J. As used herein, the terms "RELATE TO," "RELATES TO," "RELATED TO," and/or
19 "RELATING TO" mean discuss, support, refute, reflect, mention, embody, pertain to, involve,
20 comprise, respond to, concern, contain, summarize, memorialize, evidence, refer to, or connect in any
21 way legally, factually or logically with, the matter therein.

22 K. As used herein, "COMMUNICATION" or "COMMUNICATIONS" include ANY
23 contacts between or among two or more PERSONS, and includes without limitation, written contact by
24 such means as letters, memoranda, telegrams, telexes, electronic mail or any other DOCUMENTS, and
25 oral contact by such means as face-to-face meetings and telephone conversations.

26 L. As used herein, the term "ANY" as well as "ALL" shall be construed to include "each"
27 and "every" within their meanings.

1 M. Whenever used herein, "and" is to be understood to mean "or," and vice versa,
2 whenever such construction results in a broader request for information.

3 **INTERROGATORIES**

4 **INTERROGATORY NO. 1.** Please IDENTIFY YOUR annual gross revenues in 2015.

5 **INTERROGATORY NO. 2.** Please IDENTIFY ALL WITNESSES and PERSONS who calculate
6 and/or determine YOUR annual gross revenues in 2015.

7 **INTERROGATORY NO. 3.** Please IDENTIFY ALL DOCUMENTS that RELATE TO YOUR
8 annual gross revenues in 2015.

9
10
11 Dated: 3/14/2016

By: 
JAYSON M. LORENZO
Attorney for PLAINTIFF

Exhibit 2

Jayson M. Lorenzo, Esq. SBN 216973
Attorney at Law
2794 Gateway Road
Carlsbad, CA 92009
Tel. (760) 517-6646
Fax (760) 520-7900

Attorney for Plaintiff
ROBERT ALEXANDER KASEBERG

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

ROBERT ALEXANDER KASEBERG,

Plaintiff,

VS.

TURNER BROADCASTING SYSTEM,

Defendant.

Case No. 15-CV-01637-JLS-DHB

**PLAINTIFFS INTERROGATORIES TO
DEFENDANT TURNER BROADCASTING
SYSTYEM (SET ONE)**

PROPOUNDING PARTY: PLAINTIFF ROBERT ALEXANDER KASEBERG

RESPONDING PARTY: DEFENDANT TURNER BROADCASTING SYSTEM

SET NO.: ONE

PLAINTIFF ROBERT ALEXANDER KASEBERG ("PLAINTIFF") propound the following Interrogatories on DEFENDANT TURNER BROADCASTING SYSTEM

1 ("DEFENDANT"). PLAINTIFF requests that the responding party respond in writing, and under
 2 oath, to the following interrogatories within 30 days of the service of these requests.

3 DEFINITIONS

4 A. As used herein, the term "DOCUMENT" or "DOCUMENTS" means any written,
 5 recorded or graphic matter, however produced or reproduced, or "writing" of any kind, including, but
 6 not limited to, correspondence, memoranda, reports, studies, analyses, contracts, agreements, invoices,
 7 charts, graphs, indices, data sheets, data processing cards or tapes, notes, work papers, entries, letters,
 8 telegrams, forms, advertisements, brochures, circulars, tapes, records, bulletins, papers, books, maps,
 9 drawings, accounts, photographs, transcriptions, recordings, magnetic tapes, disks, imprinted cards,
 10 minutes and records of meetings, reports, financial statements, (including, but not limited to, income
 11 statements, balance sheets, and statements of changes in financial position) financial calculations,
 12 estimates, transactional documents, promissory notes, deeds of trust, closing statements, escrow
 13 documents, title documents, security agreements, bonds, letters of credit, reports of telephone or oral
 14 conversations, appointment books, calendars or diaries, and includes, but is not limited to, the term
 15 "writing", including any and all "handwriting, typewriting, printing, photostating, photographing, and
 16 every other means of recording upon any tangible thing any form of communication or representation,
 17 including letters, words, pictures, sounds, or symbols, or combinations thereof." "DOCUMENT" or
 18 "DOCUMENTS" includes all drafts and all finalized and/or executed writings, and includes all
 19 electronic recordings of any information whether that information is electronic mail or other form of
 20 electronic means of preserving information and/or is stored on a "hard" disk, 5 ¼" or 3 ½" disk, laser
 21 disk, magnetic or other tape, personal computer or mainframe computer. If YOU do not have custody
 22 or control of the original, the term "DOCUMENT" or "DOCUMENTS" shall also include any carbon
 23 or photograph or any other copies, telephone messages, reproductions or facsimiles thereof. If YOU
 24 have custody or control of the original and copies, reproduction or facsimiles, the term "DOCUMENT"
 25 or "DOCUMENTS" shall mean the original of any copy or reproduction or facsimile that is in any way
 26 different from the original.

27 B. As used herein, "COMPLAINT" refers to the complaint filed by PLAINTIFF in this
 28 case.

1 C. As used herein, "DENIAL" refers to denials made in YOUR answer to the
2 COMPLAINT.

3 D. As used herein, "PLAINTIFF" refers to Plaintiff ROBERT ALEXANDER
4 KASEBERG.

5 E. As used herein, "DEFENDANT" refers to Defendant TURNER BROADCASTING
6 SYSTEM.

7 F. As used herein, "INCIDENT" refers to the circumstances and events described in
8 PLAINTIFF's Complaint.

9 G. As used herein, "IDENTIFY ALL WITNESSES" shall mean by name, last known
10 address and last known telephone number.

11 H. As used herein, the terms "YOU" and "YOUR" refers to DEFENDANT, individually
12 and collectively, and his or her, its or their affiliates and parent company and anyone acting on their,
13 her or its behalf, including, but not limited to, past and present officers, directors, shareholders, agents,
14 employees, representatives, affiliates, attorneys, accountants, investigators, or anyone else acting in
15 their, her or its interest, on their, her or its behalf, or at their, her or its request, and each of them.

16 I. As used herein, the term "PERSON" includes ANY natural person, firm, association,
17 organization, partnership, business, trust, corporation, limited liability company, joint venture or public
18 entity.

19 J. As used herein, the terms "RELATE TO," "RELATES TO," "RELATED TO," and/or
20 "RELATING TO" mean discuss, support, refute, reflect, mention, embody, pertain to, involve,
21 comprise, respond to, concern, contain, summarize, memorialize, evidence, refer to, or connect in any
22 way legally, factually or logically with, the matter therein.

23 K. As used herein, "COMMUNICATION" or "COMMUNICATIONS" include ANY
24 contacts between or among two or more PERSONS, and includes without limitation, written contact by
25 such means as letters, memoranda, telegrams, telexes, electronic mail or any other DOCUMENTS, and
26 oral contact by such means as face-to-face meetings and telephone conversations.

27 L. As used herein, the term "ANY" as well as "ALL" shall be construed to include "each"
28 and "every" within their meanings.

1 M. Whenever used herein, "and" is to be understood to mean "or," and vice versa,
2 whenever such construction results in a broader request for information.

3
4 **INTERROGATORIES**

5 **INTERROGATORY NO. 1.** Please IDENTIFY YOUR annual gross revenues in 2015.

6 **INTERROGATORY NO. 2.** Please IDENTIFY ALL WITNESSES and PERSONS who calculate
7 and/or determine YOUR annual gross revenues in 2015.

8 **INTERROGATORY NO. 3.** Please IDENTIFY ALL DOCUMENTS that RELATE TO YOUR
9 annual gross revenues in 2015.

10
11
12 Dated: 3/14/2016

13 By: 
14 JAYSON M. LORENZO
15 Attorney for PLAINTIFF
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Exhibit 3

1 requests that the responding party respond in writing, and under oath, to the following
2 interrogatories within 30 days of the service of these requests.

3 **DEFINITIONS**

4 A. As used herein, the term "DOCUMENT" or "DOCUMENTS" means any written,
5 recorded or graphic matter, however produced or reproduced, or "writing" of any kind, including, but
6 not limited to, correspondence, memoranda, reports, studies, analyses, contracts, agreements, invoices,
7 charts, graphs, indices, data sheets, data processing cards or tapes, notes, work papers, entries, letters,
8 telegrams, forms, advertisements, brochures, circulars, tapes, records, bulletins, papers, books, maps,
9 drawings, accounts, photographs, transcriptions, recordings, magnetic tapes, disks, imprinted cards,
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11 statements, balance sheets, and statements of changes in financial position) financial calculations,
12 estimates, transactional documents, promissory notes, deeds of trust, closing statements, escrow
13 documents, title documents, security agreements, bonds, letters of credit, reports of telephone or oral
14 conversations, appointment books, calendars or diaries, and includes, but is not limited to, the term
15 "writing", including any and all "handwriting, typewriting, printing, photostating, photographing, and
16 every other means of recording upon any tangible thing any form of communication or representation,
17 including letters, words, pictures, sounds, or symbols, or combinations thereof." "DOCUMENT" or
18 "DOCUMENTS" includes all drafts and all finalized and/or executed writings, and includes all
19 electronic recordings of any information whether that information is electronic mail or other form of
20 electronic means of preserving information and/or is stored on a "hard" disk, 5 1/4" or 3 1/2" disk, laser
21 disk, magnetic or other tape, personal computer or mainframe computer. If YOU do not have custody
22 or control of the original, the term "DOCUMENT" or "DOCUMENTS" shall also include any carbon
23 or photograph or any other copies, telephone messages, reproductions or facsimiles thereof. If YOU
24 have custody or control of the original and copies, reproduction or facsimiles, the term "DOCUMENT"
25 or "DOCUMENTS" shall mean the original of any copy or reproduction or facsimile that is in any way
26 different from the original.

27 B. As used herein, "COMPLAINT" refers to the complaint filed by PLAINTIFF in this
28 case.

1 C. As used herein, "DENIAL" refers to denials made in YOUR answer to the
2 COMPLAINT.

3 D. As used herein, "PLAINTIFF" refers to Plaintiff ROBERT ALEXANDER
4 KASEBERG.

5 E. As used herein, "DEFENDANT" refers to Defendant CONACO, LLC.

6 F. As used herein, "INCIDENT" refers to the circumstances and events described in
7 PLAINTIFF's Complaint.

8 G. As used herein, "IDENTIFY ALL WITNESSES" shall mean by name, last known
9 address and last known telephone number.

10 H. As used herein, the terms "YOU" and "YOUR" refers to DEFENDANT, individually
11 and collectively, and his or her, its or their affiliates and parent company and anyone acting on their,
12 her or its behalf, including, but not limited to, past and present officers, directors, shareholders, agents,
13 employees, representatives, affiliates, attorneys, accountants, investigators, or anyone else acting in
14 their, her or its interest, on their, her or its behalf, or at their, her or its request, and each of them.

15 I. As used herein, the term "PERSON" includes ANY natural person, firm, association,
16 organization, partnership, business, trust, corporation, limited liability company, joint venture or public
17 entity.

18 J. As used herein, the terms "RELATE TO," "RELATES TO," "RELATED TO," and/or
19 "RELATING TO" mean discuss, support, refute, reflect, mention, embody, pertain to, involve,
20 comprise, respond to, concern, contain, summarize, memorialize, evidence, refer to, or connect in any
21 way legally, factually or logically with, the matter therein.

22 K. As used herein, "COMMUNICATION" or "COMMUNICATIONS" include ANY
23 contacts between or among two or more PERSONS, and includes without limitation, written contact by
24 such means as letters, memoranda, telegrams, telexes, electronic mail or any other DOCUMENTS, and
25 oral contact by such means as face-to-face meetings and telephone conversations.

26 L. As used herein, the term "ANY" as well as "ALL" shall be construed to include "each"
27 and "every" within their meanings.

1 M. Whenever used herein, "and" is to be understood to mean "or," and vice versa,
2 whenever such construction results in a broader request for information.

3 **INTERROGATORIES**

4 **INTERROGATORY NO. 1.** Please IDENTIFY YOUR annual gross revenues in 2015.

5 **INTERROGATORY NO. 2.** Please IDENTIFY ALL WITNESSES and PERSONS who calculate
6 and/or determine YOUR annual gross revenues in 2015.

7 **INTERROGATORY NO. 3.** Please IDENTIFY ALL DOCUMENTS that RELATE TO YOUR
8 annual gross revenues in 2015.

9 **INTERROGATORY NO. 4.** Please IDENTIFY the names of all persons on YOUR writing staff
10 including any and writing staff interns within the last five years.

11 **INTERROGATORY NO. 5.** For each person listed in INTERROGATORY NO. 4 please provide
12 the gross revenue or annual salary of each person listed in 2015.

13 **INTERROGATORY NO. 6.** Please IDENTIFY the person most knowledgeable regarding the
14 writing, submission and use of jokes on YOUR "CONAN" show monologue in 2015.

15 **INTERROGATORY NO. 7.** Please IDENTIFY the names of all person on YOUR writing staff
16 including any and writing staff interns who have submitted material or jokes for YOUR "CONAN"
17 show monologue in the last three years.

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19
20 Dated: 3/14/2016

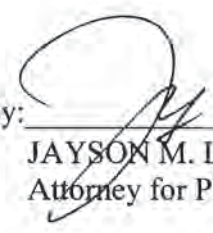
21 By: 
22 JAYSON M. LORENZO
23 Attorney for PLAINTIFF
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Exhibit 4

Jayson M. Lorenzo, Esq. SBN 216973
Attorney at Law
2794 Gateway Road
Carlsbad, CA 92009
Tel. (760) 517-6646
Fax (760) 520-7900

Attorney for Plaintiff
ROBERT ALEXANDER KASEBERG

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

ROBERT ALEXANDER KASEBERG,

Plaintiff,

vs.

MIKE SWEENEY,

Defendant.

Case No. 15-CV-01637-JLS-DHB

**PLAINTIFFS INTERROGGATORIES TO
DEFENDANT MIKE SWEENEY (SET ONE)**

PROPOUNDING PARTY: PLAINTIFF ROBERT ALEXANDER KASEBERG

RESPONDING PARTY: DEFENDANT MIKE SWEENEY

SET NO.: ONE

PLAINTIFF ROBERT ALEXANDER KASEBERG ("PLAINTIFF") propound the following Interrogatories on DEFENDANT MIKE SWEENEY ("DEFENDANT"). PLAINTIFF

1 requests that the responding party respond in writing, and under oath, to the following
2 interrogatories within 30 days of the service of these requests.

3 DEFINITIONS

4 A. As used herein, the term "DOCUMENT" or "DOCUMENTS" means any written,
5 recorded or graphic matter, however produced or reproduced, or "writing" of any kind, including, but
6 not limited to, correspondence, memoranda, reports, studies, analyses, contracts, agreements, invoices,
7 charts, graphs, indices, data sheets, data processing cards or tapes, notes, work papers, entries, letters,
8 telegrams, forms, advertisements, brochures, circulars, tapes, records, bulletins, papers, books, maps,
9 drawings, accounts, photographs, transcriptions, recordings, magnetic tapes, disks, imprinted cards,
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11 statements, balance sheets, and statements of changes in financial position) financial calculations,
12 estimates, transactional documents, promissory notes, deeds of trust, closing statements, escrow
13 documents, title documents, security agreements, bonds, letters of credit, reports of telephone or oral
14 conversations, appointment books, calendars or diaries, and includes, but is not limited to, the term
15 "writing", including any and all "handwriting, typewriting, printing, photostating, photographing, and
16 every other means of recording upon any tangible thing any form of communication or representation,
17 including letters, words, pictures, sounds, or symbols, or combinations thereof." "DOCUMENT" or
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19 electronic recordings of any information whether that information is electronic mail or other form of
20 electronic means of preserving information and/or is stored on a "hard" disk, 5 1/4" or 3 1/2" disk, laser
21 disk, magnetic or other tape, personal computer or mainframe computer. If YOU do not have custody
22 or control of the original, the term "DOCUMENT" or "DOCUMENTS" shall also include any carbon
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24 have custody or control of the original and copies, reproduction or facsimiles, the term "DOCUMENT"
25 or "DOCUMENTS" shall mean the original of any copy or reproduction or facsimile that is in any way
26 different from the original.

27 B. As used herein, "COMPLAINT" refers to the complaint filed by PLAINTIFF in this
28 case.

1 C. As used herein, "DENIAL" refers to denials made in YOUR answer to the
2 COMPLAINT.

3 D. As used herein, "PLAINTIFF" refers to Plaintiff ROBERT ALEXANDER
4 KASEBERG.

5 E. As used herein, "DEFENDANT" refers to Defendant MIKE SWEENEY.

6 F. As used herein, "INCIDENT" refers to the circumstances and events described in
7 PLAINTIFF's Complaint.

8 G. As used herein, "IDENTIFY ALL WITNESSES" shall mean by name, last known
9 address and last known telephone number.

10 H. As used herein, the terms "YOU" and "YOUR" refers to DEFENDANT, individually
11 and collectively, and his or her, its or their affiliates and parent company and anyone acting on their,
12 her or its behalf, including, but not limited to, past and present officers, directors, shareholders, agents,
13 employees, representatives, affiliates, attorneys, accountants, investigators, or anyone else acting in
14 their, her or its interest, on their, her or its behalf, or at their, her or its request, and each of them.

15 I. As used herein, the term "PERSON" includes ANY natural person, firm, association,
16 organization, partnership, business, trust, corporation, limited liability company, joint venture or public
17 entity.

18 J. As used herein, the terms "RELATE TO," "RELATES TO," "RELATED TO," and/or
19 "RELATING TO" mean discuss, support, refute, reflect, mention, embody, pertain to, involve,
20 comprise, respond to, concern, contain, summarize, memorialize, evidence, refer to, or connect in any
21 way legally, factually or logically with, the matter therein.

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23 contacts between or among two or more PERSONS, and includes without limitation, written contact by
24 such means as letters, memoranda, telegrams, telexes, electronic mail or any other DOCUMENTS, and
25 oral contact by such means as face-to-face meetings and telephone conversations.

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27 and "every" within their meanings.

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2 whenever such construction results in a broader request for information.

3 **INTERROGATORIES**

4 **INTERROGATORY NO. 1.** Please IDENTIFY YOUR annual gross revenues in 2015.

5 **INTERROGATORY NO. 2.** Please IDENTIFY ALL WITNESSES and PERSONS who calculate
6 and/or determine YOUR annual gross revenues in 2015.

7 **INTERROGATORY NO. 3.** Please IDENTIFY ALL DOCUMENTS that RELATE TO YOUR
8 annual gross revenues in 2015.

9
10
11 Dated: 3/14/2016

By: 

JAYSON M. LORENZO
Attorney for PLAINTIFF

Exhibit 5

Jayson M. Lorenzo, Esq. SBN 216973
Attorney at Law
2794 Gateway Road
Carlsbad, CA 92009
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Attorney for Plaintiff
ROBERT ALEXANDER KASEBERG

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

ROBERT ALEXANDER KASEBERG,

Plaintiff,

vs.

CONAN O'BRIEN,

Defendant.

Case No. 15-CV-01637-JLS-DHB

**PLAINTIFFS INTERROGATORIES TO
DEFENDANT CONAN O'BRIEN (SET ONE)**

PROPOUNDING PARTY: PLAINTIFF ROBERT ALEXANDER KASEBERG

RESPONDING PARTY: DEFENDANT CONAN O'BRIEN

SET NO.: ONE

PLAINTIFF ROBERT ALEXANDER KASEBERG ("PLAINTIFF") propound the following Interrogatories on DEFENDANT CONAN O'BRIEN ("DEFENDANT"). PLAINTIFF

1 requests that the responding party respond in writing, and under oath, to the following
2 interrogatories within 30 days of the service of these requests.

3 DEFINITIONS

4 A. As used herein, the term "DOCUMENT" or "DOCUMENTS" means any written,
5 recorded or graphic matter, however produced or reproduced, or "writing" of any kind, including, but
6 not limited to, correspondence, memoranda, reports, studies, analyses, contracts, agreements, invoices,
7 charts, graphs, indices, data sheets, data processing cards or tapes, notes, work papers, entries, letters,
8 telegrams, forms, advertisements, brochures, circulars, tapes, records, bulletins, papers, books, maps,
9 drawings, accounts, photographs, transcriptions, recordings, magnetic tapes, disks, imprinted cards,
10 minutes and records of meetings, reports, financial statements, (including, but not limited to, income
11 statements, balance sheets, and statements of changes in financial position) financial calculations,
12 estimates, transactional documents, promissory notes, deeds of trust, closing statements, escrow
13 documents, title documents, security agreements, bonds, letters of credit, reports of telephone or oral
14 conversations, appointment books, calendars or diaries, and includes, but is not limited to, the term
15 "writing", including any and all "handwriting, typewriting, printing, photostating, photographing, and
16 every other means of recording upon any tangible thing any form of communication or representation,
17 including letters, words, pictures, sounds, or symbols, or combinations thereof." "DOCUMENT" or
18 "DOCUMENTS" includes all drafts and all finalized and/or executed writings, and includes all
19 electronic recordings of any information whether that information is electronic mail or other form of
20 electronic means of preserving information and/or is stored on a "hard" disk, 5 ¼" or 3 ½" disk, laser
21 disk, magnetic or other tape, personal computer or mainframe computer. If YOU do not have custody
22 or control of the original, the term "DOCUMENT" or "DOCUMENTS" shall also include any carbon
23 or photograph or any other copies, telephone messages, reproductions or facsimiles thereof. If YOU
24 have custody or control of the original and copies, reproduction or facsimiles, the term "DOCUMENT"
25 or "DOCUMENTS" shall mean the original of any copy or reproduction or facsimile that is in any way
26 different from the original.

27 B. As used herein, "COMPLAINT" refers to the complaint filed by PLAINTIFF in this
28 case.

1 C. As used herein, "DENIAL" refers to denials made in YOUR answer to the
2 COMPLAINT.

3 D. As used herein, "PLAINTIFF" refers to Plaintiff ROBERT ALEXANDER
4 KASEBERG.

5 E. As used herein, "DEFENDANT" refers to Defendant CONAN O'BRIEN.

6 F. As used herein, "INCIDENT" refers to the circumstances and events described in
7 PLAINTIFF's Complaint.

8 G. As used herein, "IDENTIFY ALL WITNESSES" shall mean by name, last known
9 address and last known telephone number.

10 H. As used herein, the terms "YOU" and "YOUR" refers to DEFENDANT, individually
11 and collectively, and his or her, its or their affiliates and parent company and anyone acting on their,
12 her or its behalf, including, but not limited to, past and present officers, directors, shareholders, agents,
13 employees, representatives, affiliates, attorneys, accountants, investigators, or anyone else acting in
14 their, her or its interest, on their, her or its behalf, or at their, her or its request, and each of them.

15 I. As used herein, the term "PERSON" includes ANY natural person, firm, association,
16 organization, partnership, business, trust, corporation, limited liability company, joint venture or public
17 entity.

18 J. As used herein, the terms "RELATE TO," "RELATES TO," "RELATED TO," and/or
19 "RELATING TO" mean discuss, support, refute, reflect, mention, embody, pertain to, involve,
20 comprise, respond to, concern, contain, summarize, memorialize, evidence, refer to, or connect in any
21 way legally, factually or logically with, the matter therein.

22 K. As used herein, "COMMUNICATION" or "COMMUNICATIONS" include ANY
23 contacts between or among two or more PERSONS, and includes without limitation, written contact by
24 such means as letters, memoranda, telegrams, telexes, electronic mail or any other DOCUMENTS, and
25 oral contact by such means as face-to-face meetings and telephone conversations.

26 L. As used herein, the term "ANY" as well as "ALL" shall be construed to include "each"
27 and "every" within their meanings.

1 M. Whenever used herein, "and" is to be understood to mean "or," and vice versa,
2 whenever such construction results in a broader request for information.

3 **INTERROGATORIES**

4 **INTERROGATORY NO. 1.** Please IDENTIFY YOUR annual gross revenues in 2015.

5 **INTERROGATORY NO. 2.** Please IDENTIFY ALL WITNESSES and PERSONS who calculate
6 and/or determine YOUR annual gross revenues in 2015.

7 **INTERROGATORY NO. 3.** Please IDENTIFY ALL DOCUMENTS that RELATE TO YOUR
8 annual gross revenues in 2015.

9
10
11 Dated: 3/14/2016

By: 
JAYSON M. LORENZO
Attorney for PLAINTIFF

Exhibit 6

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Attorney for Plaintiff
ROBERT ALEXANDER KASEBERG

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

ROBERT ALEXANDER KASEBERG,

Plaintiff,

vs.

JEFF ROSS,

Defendant.

Case No. 15-CV-01637-JLS-DHB

**PLAINTIFFS INTERROGATORIES TO
DEFENDANT JEFF ROSS (SET ONE)**

PROPOUNDING PARTY: PLAINTIFF ROBERT ALEXANDER KASEBERG

RESPONDING PARTY: DEFENDANT JEFF ROSS

SET NO.: ONE

PLAINTIFF ROBERT ALEXANDER KASEBERG ("PLAINTIFF") propound the following Interrogatories on DEFENDANT JEFF ROSS ("DEFENDANT"). PLAINTIFF requests

1 that the responding party respond in writing, and under oath, to the following interrogatories within
 2 30 days of the service of these requests.

3 DEFINITIONS

4 A. As used herein, the term "DOCUMENT" or "DOCUMENTS" means any written,
 5 recorded or graphic matter, however produced or reproduced, or "writing" of any kind, including, but
 6 not limited to, correspondence, memoranda, reports, studies, analyses, contracts, agreements, invoices,
 7 charts, graphs, indices, data sheets, data processing cards or tapes, notes, work papers, entries, letters,
 8 telegrams, forms, advertisements, brochures, circulars, tapes, records, bulletins, papers, books, maps,
 9 drawings, accounts, photographs, transcriptions, recordings, magnetic tapes, disks, imprinted cards,
 10 minutes and records of meetings, reports, financial statements, (including, but not limited to, income
 11 statements, balance sheets, and statements of changes in financial position) financial calculations,
 12 estimates, transactional documents, promissory notes, deeds of trust, closing statements, escrow
 13 documents, title documents, security agreements, bonds, letters of credit, reports of telephone or oral
 14 conversations, appointment books, calendars or diaries, and includes, but is not limited to, the term
 15 "writing", including any and all "handwriting, typewriting, printing, photostating, photographing, and
 16 every other means of recording upon any tangible thing any form of communication or representation,
 17 including letters, words, pictures, sounds, or symbols, or combinations thereof." "DOCUMENT" or
 18 "DOCUMENTS" includes all drafts and all finalized and/or executed writings, and includes all
 19 electronic recordings of any information whether that information is electronic mail or other form of
 20 electronic means of preserving information and/or is stored on a "hard" disk, 5 ¼" or 3 ½" disk, laser
 21 disk, magnetic or other tape, personal computer or mainframe computer. If YOU do not have custody
 22 or control of the original, the term "DOCUMENT" or "DOCUMENTS" shall also include any carbon
 23 or photograph or any other copies, telephone messages, reproductions or facsimiles thereof. If YOU
 24 have custody or control of the original and copies, reproduction or facsimiles, the term "DOCUMENT"
 25 or "DOCUMENTS" shall mean the original of any copy or reproduction or facsimile that is in any way
 26 different from the original.

27 B. As used herein, "COMPLAINT" refers to the complaint filed by PLAINTIFF in this
 28 case.

1 C. As used herein, "DENIAL" refers to denials made in YOUR answer to the
2 COMPLAINT.

3 D. As used herein, "PLAINTIFF" refers to Plaintiff ROBERT ALEXANDER
4 KASEBERG.

5 E. As used herein, "DEFENDANT" refers to Defendant JEFF ROSS.

6 F. As used herein, "INCIDENT" refers to the circumstances and events described in
7 PLAINTIFF's Complaint.

8 G. As used herein, "IDENTIFY ALL WITNESSES" shall mean by name, last known
9 address and last known telephone number.

10 H. As used herein, the terms "YOU" and "YOUR" refers to DEFENDANT, individually
11 and collectively, and his or her, its or their affiliates and parent company and anyone acting on their,
12 her or its behalf, including, but not limited to, past and present officers, directors, shareholders, agents,
13 employees, representatives, affiliates, attorneys, accountants, investigators, or anyone else acting in
14 their, her or its interest, on their, her or its behalf, or at their, her or its request, and each of them.

15 I. As used herein, the term "PERSON" includes ANY natural person, firm, association,
16 organization, partnership, business, trust, corporation, limited liability company, joint venture or public
17 entity.

18 J. As used herein, the terms "RELATE TO," "RELATES TO," "RELATED TO," and/or
19 "RELATING TO" mean discuss, support, refute, reflect, mention, embody, pertain to, involve,
20 comprise, respond to, concern, contain, summarize, memorialize, evidence, refer to, or connect in any
21 way legally, factually or logically with, the matter therein.

22 K. As used herein, "COMMUNICATION" or "COMMUNICATIONS" include ANY
23 contacts between or among two or more PERSONS, and includes without limitation, written contact by
24 such means as letters, memoranda, telegrams, telexes, electronic mail or any other DOCUMENTS, and
25 oral contact by such means as face-to-face meetings and telephone conversations.

26 L. As used herein, the term "ANY" as well as "ALL" shall be construed to include "each"
27 and "every" within their meanings.

1 M. Whenever used herein, "and" is to be understood to mean "or," and vice versa,
2 whenever such construction results in a broader request for information.

3 **INTERROGATORIES**

4 **INTERROGATORY NO. 1.** Please IDENTIFY YOUR annual gross revenues in 2015.

5 **INTERROGATORY NO. 2.** Please IDENTIFY ALL WITNESSES and PERSONS who calculate
6 and/or determine YOUR annual gross revenues in 2015.

7 **INTERROGATORY NO. 3.** Please IDENETIFY ALL DOCUMETS that RELATE TO YOUR
8 annual gross revenues in 2015.

9
10
11 Dated: 3/14/2016


12 By: 
13 JAYSON M. LORENZO
14 Attorney for PLAINTIFF
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Exhibit 7

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Attorney for Plaintiff
ROBERT ALEXANDER KASEBERG

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

ROBERT ALEXANDER KASEBERG,

Plaintiffs,

vs.

CONACO, LLC; TURNER BROADCASTING
SYSTEM; TIME WARNER, INC.; CONAN
O'BRIEN; JEFF ROSS; MIKE SWEENEY;
DOES 1 – 10, inclusive,

Defendants.

Case No. 15-CV-01637-JLS-DHB

**PLAINTIFFS REQUEST FOR
PRODUCTION OF DOCUMENTS AND
THINGS TO DEFENDANT CONACO, LLC
(SET ONE)**

PROPOUNDING PARTY: PLAINTIFF ROBERT ALEXANDER KASEBERG

RESPONDING PARTY: DEFENDANTS CONACO, LLC

SET NO.: ONE

Pursuant to Rule 34 of the Federal Rules of Civil Procedure PLAINTIFF ROBERT ALEXANDER KASEBERG ("Plaintiff") demands that within thirty (30) days of the service of these requests DEFENDANTS CONACO, LLC produce the following documents to Plaintiff's counsel. The

1 production and inspection shall continue from day to day thereafter, weekends and holidays excepted,
2 so long as reasonably required. All documents demanded shall either be produced as they are kept in
3 the usual course of business, or be organized and labeled to correspond with the categories contained
4 in this demand.

5 INSTRUCTIONS

6 A. Responding Party is hereby requested to serve a written response under oath within
7 thirty (30) days after service of this request. Such response is to include the following statements: (1)
8 whether inspection and copying or photocopying will be permitted; and (2) whether Responding Party
9 lacks the ability to comply. If Responding Party objects to the whole or any part of the request, specific
10 grounds for the objection must be stated in the response.

11 B. All originals and copies of the items requested, which are in the possession, custody
12 and/or control of responding party or are otherwise available to responding party, which are responsive
13 to the following requests, shall be produced and identified.

14 C. If any DOCUMENT (as defined below) herein requested was formerly in the
15 possession, custody and/or control of Responding Party and has been lost or destroyed, Responding
16 Party shall submit, in lieu of such DOCUMENT, a written statement which (1) describes in detail the
17 nature of the DOCUMENT and its contents, (2) identifies the person who prepared or authored the
18 DOCUMENT, (3) identifies the person to whom the DOCUMENT was sent, if applicable, (4)
19 specifies the date on which the DOCUMENT was prepared or transmitted, or both, (5) specifies, if
20 possible, the date on which the DOCUMENT was lost or destroyed, and (6) if destroyed, the
21 conditions of or reasons for such destruction and the person requesting or performing the destruction.

22 D. DOCUMENTS are to be produced either as they are kept in the usual course of business
23 or organized and labeled to correspond with the categories in this demand.

24 E. DOCUMENTS being produced shall be maintained in their original format.
25 Attachments to a document shall not be unfastened. DOCUMENTS shall not be scrambled or
26 otherwise jumbled and shall be produced in a way which preserves their identify.

27 F. Whenever the item being produced is a file, the folder or other container of it shall be
28 produced with it.

1 G. All DOCUMENTS requested herein refer to the time period beginning March 1, 2011.
2 up to and including the present, unless a particular demand defines a different time period.

3 H. Whenever a DOCUMENT falling within the request is withheld from production,
4 according to a claim of privilege or otherwise, you are requested to provide a listing of such
5 DOCUMENTS containing a description of the DOCUMENTS and a description of the claim of
6 privilege sufficient to enable propounding party to present a motion to the appropriate court to compel
7 production of same.

8 DEFINITIONS

9 A. As used herein, the term "DOCUMENT" or "DOCUMENTS" means any written,
10 recorded or graphic matter, however produced or reproduced, or "writing" of any kind, including, but
11 not limited to, correspondence, memoranda, reports, studies, analyses, contracts, agreements, invoices,
12 charts, graphs, indices, data sheets, data processing cards or tapes, notes, work papers, entries, letters,
13 telegrams, forms, advertisements, brochures, circulars, tapes, records, bulletins, papers, books, maps,
14 drawings, accounts, photographs, transcriptions, recordings, magnetic tapes, disks, imprinted cards,
15 minutes and records of meetings, reports, financial statements, (including, but not limited to, income
16 statements, balance sheets, and statements of changes in financial position) financial calculations,
17 estimates, transactional documents, promissory notes, deeds of trust, closing statements, escrow
18 documents, title documents, security agreements, bonds, letters of credit, reports of telephone or oral
19 conversations, appointment books, calendars or diaries, and includes, but is not limited to, the term
20 "writing", including any and all "handwriting, typewriting, printing, photostating, photographing, and
21 every other means of recording upon any tangible thing any form of communication or representation,
22 including letters, words, pictures, sounds, or symbols, or combinations thereof." "DOCUMENT" or
23 "DOCUMENTS" includes all drafts and all finalized and/or executed writings, and includes all
24 electronic recordings of any information whether that information is electronic mail or other form of
25 electronic means of preserving information and/or is stored on a "hard" disk, 5 ¼" or 3 ½" disk, laser
26 disk, magnetic or other tape, personal computer or mainframe computer. If YOU do not have custody
27 or control of the original, the term "DOCUMENT" or "DOCUMENTS" shall also include any carbon
28 or photograph or any other copies, telephone messages, reproductions or facsimiles thereof. If YOU

1 have custody or control of the original and copies, reproduction or facsimiles, the term "DOCUMENT"
2 or "DOCUMENTS" shall mean the original of any copy or reproduction or facsimile that is in any way
3 different from the original.

4 B. As used herein, "COMPLAINT" refers to the complaint filed by PLAINTIFF in this
5 case.

6 C. As used herein, "DENIAL" refers to denials made in YOUR answer to the
7 COMPLAINT.

8 D. As used herein, "PLAINTIFF" refers to Plaintiff ROBERT ALEXANDER
9 KASEBERG.

10 E. As used herein, "DEFENDANT" refers to defendants CONACO, LLC.

11 F. As used herein, the terms "YOU" and "YOUR" refers to DEFENDANT, individually
12 and collectively, and his or her, its or their affiliates and parent company and anyone acting on their,
13 her or its behalf, including, but not limited to, past and present officers, directors, shareholders, agents,
14 employees, representatives, affiliates, attorneys, accountants, investigators, or anyone else acting in
15 their, her or its interest, on their, her or its behalf, or at their, her or its request, and each of them.

16 G. As used herein, the term "PERSON" includes ANY natural person, firm, association,
17 organization, partnership, business, trust, corporation, limited liability company, joint venture or public
18 entity.

19 H. As used herein, the terms "RELATE TO," "RELATES TO," "RELATED TO," and/or
20 "RELATING TO" mean discuss, support, refute, reflect, mention, embody, pertain to, involve,
21 comprise, respond to, concern, contain, summarize, memorialize, evidence, refer to, or connect in any
22 way legally, factually or logically with, the matter therein.

23 I. As used herein, "COMMUNICATION" or "COMMUNICATIONS" includes any
24 contacts between or among two or more PERSONS, and includes without limitation, written contact by
25 such means as letters, memoranda, telegrams, telexes, electronic mail or any other DOCUMENTS, and
26 oral contact by such means as face-to-face meetings and telephone conversations.

27 J. As used herein, the term "ANY" as well as "ALL" shall be construed to include "each"
28 and "every" within their meanings.

1 K. In these Requests, the terms "and" and "or" have both conjunctive and disjunctive
2 meanings so as to be inclusive of any documents which otherwise may be excluded from production.

3 L. In these Requests, the use of the singular includes the plural and the use of the plural
4 includes the singular, so as to be inclusive of any DOCUMENTS which may otherwise be excluded
5 from production.

6 **REQUESTS FOR PRODUCTION**

7 **REQUEST FOR PRODUCTION NO. 1.**

8 ANY and ALL DOCUMENTS, tangible things and other items that support, refute or in ANY
9 way RELATE TO YOUR DENIAL of the allegations in the COMPLAINT.

10 **REQUEST FOR PRODUCTION NO. 2.**

11 ANY and ALL DOCUMENTS that support, refute or RELATE TO ANY and ALL affirmative
12 defenses in your Answer.

13 **REQUEST FOR PRODUCTION NO. 3.**

14 ANY and ALL DOCUMENTS, tangible things and other items that RELATE TO YOUR
15 annual gross revenues in 2015.

16 **REQUEST FOR PRODUCTION NO. 4.**

17 ANY and ALL DOCUMENTS, tangible things and other items that RELATE TO YOUR
18 annual net profits in 2015.

19 **REQUEST FOR PRODUCTION NO. 5.**

20 ANY and ALL DOCUMENTS, tangible things and other items that RELATE TO amount paid
21 to each writer – whether staff, contract, or writers for the "CONAN" show in 2015.

22 **REQUEST FOR PRODUCTION NO. 6.**

23 ANY and ALL DOCUMENTS, including any and all emails, involving JOSH COMERS
24 regarding any and all jokes MR. COMERS submitted to you for use on the "CONAN" show
25 monologue in the last three years.

26 **REQUEST FOR PRODUCTION NO. 7.**

1 ANY and ALL DOCUMENTS, including any and all emails, involving BRIAN KILY
2 regarding any and all jokes MR. KILY submitted to you for use on the "CONAN" show monologue in
3 the last three years.

4 **REQUEST FOR PRODUCTION NO. 8.**

5 ANY and ALL DOCUMENTS, including any and all emails, involving ROB KUTNER
6 regarding any and all jokes MR. KUTNER submitted to you for use on the "CONAN" show
7 monologue in the last three years.

8
9 Dated: 3/9/2016

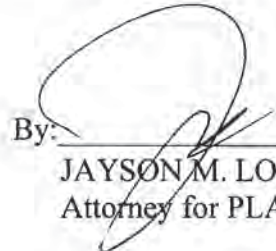
By: 
JAYSON M. LORENZO
Attorney for PLAINTIFF

Exhibit 8

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 6 Telephone: (310) 553-3000
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 7 *Attorneys for Defendants*

8 UNITED STATES DISTRICT COURT
 9 SOUTHERN DISTRICT OF CALIFORNIA

11 ROBERT ALEXANDER KASEBERG,

12 Plaintiff,

13 v.

14 CONACO, LLC, TURNER
 15 BROADCASTING SYSTEM, TIME
 WARNER, INC., CONAN O'BRIEN,
 16 JEFF ROSS, MIKE SWEENEY; DOES
 1-50, inclusive,

17 Defendants.
 18

CASE NO.: 15-CV-01637-JLS-DHB

Hon. Janis L. Sammartino

**TIME WARNER INC.'S
 OBJECTIONS AND RESPONSE
 TO PLAINTIFF'S
 INTERROGATORIES (SET ONE)**

20 PROPOUNDING PARTY: ROBERT ALEXANDER KASEBERG

21 RESPONDING PARTY: TIME WARNER INC.

22 SET NO.: ONE

23
 24 Pursuant to Fed. R. Civ. P. 26 and 33, Defendant Time Warner Inc. ("Time
 25 Warner") hereby answers, objects, or otherwise responds to Plaintiff Robert
 26 Alexander Kaseberg's ("Plaintiff" or "Kaseberg") First Set of Interrogatories. Time
 27 Warner expressly reserves the right to supplement, amend, or correct these responses.
 28

PRELIMINARY STATEMENT

These responses are made solely for the purpose of this action. Each answer is subject to all objections as to competence, relevance, materiality, propriety and admissibility, and any and all other objections and grounds which would require the exclusion of any statement herein if the Interrogatories were asked of, or any statements contained herein were made by, a witness present and testifying in Court, all of which objections and grounds are reserved and may be interposed at the time of trial.

Time Warner has not completed its investigation of the facts relating to this case and has not completed its preparation for trial. The following responses are based upon information presently available to Time Warner and are made without prejudice to Time Warner of the right to utilize subsequently discovered facts.

Except for explicit facts admitted herein, no incidental or implied admissions are intended hereby. The fact that Time Warner has answered any interrogatories should not be taken as an admission that Time Warner accepts or admits the existence of any facts set forth or assumed by such interrogatory, or that such response constitutes admissible evidence. The fact that Time Warner has answered part or all of any interrogatory is not intended and shall not be construed to be a waiver by Time Warner of all or any part of any objection to any interrogatory.

The Preliminary Statement is incorporated into each of the responses set forth below.

GENERAL OBJECTIONS

Time Warner generally objects to these Interrogatories on each and every one of the following grounds, which are incorporated into and made a part of Time Warner's response to each and every Interrogatory:

1. Time Warner objects to the extent the Interrogatories seek to impose obligations upon Time Warner not required by the Federal Rules of Civil Procedure, the Local Rules for the United States District Court for the Southern District of

1 California (“Local Rules”), or the Orders of this Court. Time Warner’s responses
2 shall be controlled by and comply with the requirements of the Federal Rules, the
3 Local Rules, and the Orders of this Court.

4 2. Time Warner objects to extent the Interrogatories seek information not
5 relevant to any claim or defense of a party, and expressly reserves all rights to
6 withhold information or documents on that basis alone or in conjunction with other
7 bases set forth herein.

8 3. Time Warner objects to the extent the Interrogatories are vague,
9 ambiguous, and incomprehensible. As drafted, the Interrogatories could require
10 responses and/or the production of documents that have no relationship to the facts
11 and issues in dispute and which are not reasonably calculated to lead to the discovery
12 of admissible evidence.

13 4. Time Warner objects to the Interrogatories and their accompanying
14 “Definitions” and “Instructions” as overly broad and unduly burdensome to the extent
15 that they seek information that exceeds the permissible scope of discovery and
16 information or documents that are neither relevant nor proportional to the needs of the
17 case.

18 5. Time Warner objects to the extent the Interrogatories call for information
19 which is confidential and proprietary, including trade secrets and sensitive financial
20 information, prior to the entry of a protective order in this action.

21 6. Time Warner objects to the extent the Interrogatories seek information
22 which is publicly available and/or equally available to Plaintiff and the burden of
23 obtaining the responsive information is substantially the same for Plaintiff as it is for
24 Time Warner.

25 7. Time Warner objects to the extent the Interrogatories are unreasonably
26 duplicative in nature, and/or designed to harass and increase costs, rather than reflect
27 a good faith effort at seeking relevant evidence.

28 8. Time Warner objects to the extent the Interrogatories call for the

disclosure of documents or information subject to the attorney-client privilege, the attorney work-product doctrine, the joint-defense and/or common interest privilege, or any other applicable privileges. Such information or documents shall not be provided in response to these interrogatories, and any inadvertent disclosure or production thereof shall not be deemed a waiver of any privilege or protection with respect to such information or documents.

9. Time Warner objects to the extent the Interrogatories seek documents or information which are subject to certain confidentiality provisions between Time Warner and/or its affiliated companies and/or others and which may not be disclosed absent the consent of the parties to such contracts.

10. Time Warner objects to the extent the Interrogatories seek documents or information from sources that are not reasonably accessible because of undue burden and cost.

11. Time Warner objects to the definition of “YOU” and “YOUR” as vague, ambiguous, overbroad, unduly burdensome, not relevant, and not likely to lead to the discovery of admissible evidence, to the extent they purport to require Time Warner to respond on behalf of persons or entities other than Time Warner. For purposes of its responses herein, Time Warner will interpret “YOU” and “YOUR” to refer to Time Warner Inc., and its directors, officers, and employees only.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

Please IDENTIFY YOUR annual gross revenues in 2015.

RESPONSE TO INTERROGATORY NO. 1:

Time Warner incorporates by reference each of the foregoing General Objections as if fully set forth herein. Time Warner objects to the definition of “YOUR” as overbroad and vague and ambiguous. Time Warner will interpret “YOUR” to refer to Time Warner Inc., and its directors, officers, and employees only. Time Warner further objects to the undefined term “annual gross revenues” as vague

1 and ambiguous in that it fails to specifically identify what revenue information it
 2 seeks from Time Warner. Time Warner further objects to this Interrogatory as Time
 3 Warner's annual gross revenues are irrelevant to Plaintiff's claim for alleged damages
 4 as to four one-liner jokes. Time Warner further objects to this Interrogatory as
 5 harassing as Time Warner is an indirect holding company for Turner Broadcasting
 6 System, Inc., as well as numerous other companies, and is an improperly named
 7 defendant in this suit. Time Warner further objects to this Interrogatory as overbroad,
 8 unduly burdensome, and harassing to the extent the proposed discovery seeks
 9 financial information which is not relevant to any party's claim or defense and is not
 10 proportional to the needs of the case, especially to the extent the Interrogatory seeks
 11 revenue information not attributable to any alleged infringement. Time Warner
 12 further objects to this Interrogatory to the extent it seeks publicly accessible revenue
 13 information equally available to Plaintiff. Time Warner further objects to this
 14 Interrogatory to the extent it seeks information which is subject to certain
 15 confidentiality provisions between Time Warner and/or its affiliated companies
 16 and/or others and which may not be disclosed absent the consent of the parties to such
 17 contracts.

18 **INTERROGATORY NO. 2:**

19 Please IDENTIFY ALL WITNESSES and PERSONS who calculate and/or
 20 determine YOUR annual gross revenues in 2015.

21 **RESPONSE TO INTERROGATORY NO. 2:**

22 Time Warner incorporates by reference each of the foregoing General
 23 Objections as if fully set forth herein. Time Warner objects to the definition of
 24 "YOUR" as overbroad and vague and ambiguous. Time Warner will interpret
 25 "YOUR" to refer to Time Warner Inc., and its directors, officers, and employees only.
 26 Time Warner further objects to the undefined term "annual gross revenues" as vague
 27 and ambiguous in that it fails to specifically identify the revenue information to which
 28 this Interrogatory relates. Time Warner further objects to this Interrogatory as Time

Warner's annual gross revenues, and the identification of those individuals that calculate and/or determine Time Warner's annual gross revenues, are irrelevant to Plaintiff's claim for alleged damages as to four one-liner jokes. Time Warner further objects to this Interrogatory as harassing as Time Warner is an indirect holding company for Turner Broadcasting System, Inc., as well as numerous other companies, and is an improperly named defendant in this suit. Time Warner further objects to this Interrogatory as overbroad, unduly burdensome, and harassing to the extent the proposed discovery seeks financial information which is not relevant to any party's claim or defense and is not proportional to the needs of the case, especially to the extent the Interrogatory relates to revenue information not attributable to any alleged infringement. Time Warner further objects to this Interrogatory to the extent that it seeks information about the identities of individual non-parties, the disclosure of which may lead to the invasion of privacy, harassment, or unnecessary involvement of individuals who are non-parties. Time Warner further objects to this Interrogatory to the extent it seeks information which is subject to certain confidentiality provisions between Time Warner and/or its affiliated companies and/or others and which may not be disclosed absent the consent of the parties to such contracts.

INTERROGATORY NO. 3:

Please IDENTIFY ALL DOCUMENTS that RELATE TO YOUR annual gross revenues in 2015.

RESPONSE TO INTERROGATORY NO. 3:

Time Warner incorporates by reference each of the foregoing General Objections as if fully set forth herein. Time Warner objects to the definition of "YOUR" as overbroad and vague and ambiguous. Time Warner will interpret "YOUR" to refer to Time Warner Inc., and its directors, officers, and employees only. Time Warner further objects to the undefined term "annual gross revenues" as vague and ambiguous in that it fails to specifically identify the revenue information to which this Interrogatory relates. Time Warner further objects to this Interrogatory as Time

Warner's annual gross revenues, and the identification of documents relating to such, are irrelevant to Plaintiff's claim for alleged damages as to four one-liner jokes. Time Warner further objects to this request as harassing as Time Warner is an indirect holding company for Turner Broadcasting System, Inc., as well as numerous other companies, and is an improperly named defendant in this suit. Time Warner further objects to this Interrogatory as overbroad, unduly burdensome, and harassing to the extent the Interrogatory seeks the identification of documents containing financial information which is not relevant to any party's claim or defense and is not proportional to the needs of the case, especially to the extent the Interrogatory relates to revenue information not attributable to any alleged infringement. Time Warner objects to this Interrogatory to the extent it seeks the identification of "all documents" and not information proportional to the needs of this case. Time Warner further objects to this Interrogatory to the extent that it seeks the identification of confidential information prior to the entry of a suitable protective order in this case. Time Warner further objects to this Interrogatory to the extent it seeks the identification of documents which are subject to certain confidentiality provisions between Time Warner and/or its affiliated companies and/or others and which may not be disclosed absent the consent of the parties to such contracts. Time Warner further objects to this Interrogatory to the extent it calls for the identification of documents or information subject to the attorney-client privilege, the attorney work-product doctrine, the joint-defense and/or common interest privilege, or any other applicable privileges. Time Warner further objects to this Interrogatory to the extent it purports to require the identification of documents from sources that are not reasonably accessible because of undue burden and cost.

GlaserWeil

1 DATED: April 18, 2016

GLASER WEIL FINK HOWARD
AVCHEN & SHAPIRO LLP

3 By: /s/ Erica J. Van Loon

4 PATRICIA L. GLASER

5 ERICA J. VAN LOON

6 BRITTANY ELIAS

Attorneys for Defendants

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 10250 Constellation Boulevard, 19th Floor, Los Angeles, California 90067.

On April 18, 2016, I served the foregoing document(s) described as: **TIME WARNER INC.'S OBJECTIONS AND RESPONSE TO PLAINTIFF'S INTERROGATORIES (SET ONE)** on the interested parties to this action at the following address(es):

SEE ATTACHED LIST

- ☐ **(BY MAIL)** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.
- ☐ **(BY ELECTRONIC SERVICE)** by causing the foregoing document(s) to be electronically filed using the Court's Electronic Filing System which constitutes service of the filed document(s) on the individual(s) listed on the attached mailing list.
- ☒ **(BY E-MAIL SERVICE)** I caused such document to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.
- ☐ **(BY OVERNIGHT DELIVERY)** I served the foregoing document by FedEx, an express service carrier which provides overnight delivery, as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.
- ☐ **(BY FACSIMILE)** I caused the above-referenced document to be transmitted to the interested parties via facsimile transmission to the fax number(s) as stated on the attached service list.
- ☐ **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the above named addressee(s).
- ☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- ☒ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on April 18, 2016, at Los Angeles, California.

/s/ Nicholas E. Huskins
Nicholas E. Huskins

GlaserWeil

SERVICE LIST

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Robert Alexander Kaseberg

Exhibit 9

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 2 ERICA J. VAN LOON - State Bar No. 227712
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 3 BRITTANY ELIAS - State Bar No. 305922
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 4 GLASER WEIL FINK HOWARD
 AVCHEN & SHAPIRO LLP
 5 10250 Constellation Boulevard, 19th Floor
 Los Angeles, California 90067
 6 Telephone: (310) 553-3000
 Facsimile: (310) 556-2920
 7 *Attorneys for Defendants*

8 UNITED STATES DISTRICT COURT
 9 SOUTHERN DISTRICT OF CALIFORNIA

11 ROBERT ALEXANDER KASEBERG,

12 Plaintiff,

13 v.

14 CONACO, LLC, TURNER
 15 BROADCASTING SYSTEM, TIME
 WARNER, INC., CONAN O'BRIEN,
 16 JEFF ROSS, MIKE SWEENEY; DOES
 1-50, inclusive,

17 Defendants.
 18

CASE NO.: 15-CV-01637-JLS-DHB

Hon. Janis L. Sammartino

**TURNER BROADCASTING
 SYSTEM, INC.'S OBJECTIONS
 AND RESPONSE TO
 PLAINTIFF'S
 INTERROGATORIES (SET ONE)**

20 PROPOUNDING PARTY: ROBERT ALEXANDER KASEBERG

21 RESPONDING PARTY: TURNER BROADCASTING SYSTEM, INC.

22 SET NO.: ONE

23
 24 Pursuant to Fed. R. Civ. P. 26 and 33, Defendant Turner Broadcasting System,
 25 Inc. ("TBS") hereby answers, objects, or otherwise responds to Plaintiff Robert
 26 Alexander Kaseberg's ("Plaintiff" or "Kaseberg") First Set of Interrogatories. TBS
 27 expressly reserves the right to supplement, amend, or correct these responses.
 28

PRELIMINARY STATEMENT

These responses are made solely for the purpose of this action. Each answer is subject to all objections as to competence, relevance, materiality, propriety and admissibility, and any and all other objections and grounds which would require the exclusion of any statement herein if the Interrogatories were asked of, or any statements contained herein were made by, a witness present and testifying in Court, all of which objections and grounds are reserved and may be interposed at the time of trial.

TBS has not completed its investigation of the facts relating to this case and has not completed its preparation for trial. The following responses are based upon information presently available to TBS and are made without prejudice to TBS of the right to utilize subsequently discovered facts.

Except for explicit facts admitted herein, no incidental or implied admissions are intended hereby. The fact that TBS has answered any interrogatories should not be taken as an admission that TBS accepts or admits the existence of any facts set forth or assumed by such interrogatory, or that such response constitutes admissible evidence. The fact that TBS has answered part or all of any interrogatory is not intended and shall not be construed to be a waiver by TBS of all or any part of any objection to any interrogatory.

The Preliminary Statement is incorporated into each of the responses set forth below.

GENERAL OBJECTIONS

TBS generally objects to these Interrogatories on each and every one of the following grounds, which are incorporated into and made a part of TBS's response to each and every Interrogatory:

1. TBS objects to the extent the Interrogatories seek to impose obligations upon TBS not required by the Federal Rules of Civil Procedure, the Local Rules for the United States District Court for the Southern District of California ("Local

1 Rules”), or the Orders of this Court. TBS’s responses shall be controlled by and
2 comply with the requirements of the Federal Rules, the Local Rules, and the Orders of
3 this Court.

4 2. TBS objects to extent the Interrogatories seek information not relevant to
5 any claim or defense of a party, and expressly reserves all rights to withhold
6 information or documents on that basis alone or in conjunction with other bases set
7 forth herein.

8 3. TBS objects to the extent the Interrogatories are vague, ambiguous, and
9 incomprehensible. As drafted, the Interrogatories could require responses and/or the
10 production of documents that have no relationship to the facts and issues in dispute
11 and which are not reasonably calculated to lead to the discovery of admissible
12 evidence.

13 4. TBS objects to the Interrogatories and their accompanying “Definitions”
14 and “Instructions” as overly broad and unduly burdensome to the extent that they seek
15 information that exceeds the permissible scope of discovery and information or
16 documents that are neither relevant nor proportional to the needs of the case.

17 5. TBS objects to the extent the Interrogatories call for information which is
18 confidential and proprietary, including trade secrets and sensitive financial
19 information, prior to the entry of a protective order in this action.

20 6. TBS objects to the extent the Interrogatories seek information which is
21 publicly available and/or equally available to Plaintiff and the burden of obtaining the
22 responsive information is substantially the same for Plaintiff as it is for TBS.

23 7. TBS objects to the extent the Interrogatories are unreasonably
24 duplicative in nature, and/or designed to harass and increase costs, rather than reflect
25 a good faith effort at seeking relevant evidence.

26 8. TBS objects to the extent the Interrogatories call for the disclosure of
27 documents or information subject to the attorney-client privilege, the attorney work-
28 product doctrine, the joint-defense and/or common interest privilege, or any other

1 applicable privileges. Such information or documents shall not be provided in
 2 response to these interrogatories, and any inadvertent disclosure or production thereof
 3 shall not be deemed a waiver of any privilege or protection with respect to such
 4 information or documents.

5 9. TBS objects to the extent the Interrogatories seek documents or
 6 information which are subject to certain confidentiality provisions between TBS
 7 and/or its affiliated companies and/or others and which may not be disclosed absent
 8 the consent of the parties to such contracts.

9 10. TBS objects to the extent the Interrogatories seek documents or
 10 information from sources that are not reasonably accessible because of undue burden
 11 and cost.

12 11. TBS objects to the definition of “YOU” and “YOUR” as vague,
 13 ambiguous, overbroad, unduly burdensome, not relevant, and not likely to lead to the
 14 discovery of admissible evidence, to the extent they purport to require TBS to respond
 15 on behalf of persons or entities other than TBS. For purposes of its responses herein,
 16 TBS will interpret “YOU” and “YOUR” to refer to Turner Broadcasting System, Inc.
 17 and its directors, officers, and employees only.

18 **RESPONSES TO INTERROGATORIES**

19 **INTERROGATORY NO. 1:**

20 **Please IDENTIFY YOUR annual gross revenues in 2015.**

21 **RESPONSE TO INTERROGATORY NO. 1:**

22 TBS incorporates by reference each of the foregoing General Objections as if
 23 fully set forth herein. TBS further objects to the definition of “YOUR” as overbroad
 24 and vague and ambiguous. TBS will interpret “YOUR” to refer to Turner
 25 Broadcasting System, Inc. and its directors, officers, and employees only. TBS
 26 further objects to the undefined term “annual gross revenues” as vague and
 27 ambiguous in that it fails to specifically identify what revenue information it seeks
 28 from TBS. **TBS further objects to this Interrogatory as TBS’s annual gross revenues**

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are irrelevant to Plaintiff's claim for alleged damages as to four one-liner jokes. TBS further objects to this Interrogatory as harassing as TBS is a global media company that creates and programs branded news; entertainment; kids and young adult; and sports media environments on television and other platforms for consumers around the world, unrelated to the TBS television network and/or the "Conan" show. TBS further objects to this Interrogatory as overbroad, unduly burdensome, and harassing to the extent the proposed discovery seeks financial information which is not relevant to any party's claim or defense and is not proportional to the needs of the case, especially to the extent the Interrogatory seeks revenue information not attributable to any alleged infringement. TBS further objects to this Interrogatory to the extent it seeks publicly accessible revenue information equally available to Plaintiff. TBS further objects to this Interrogatory to the extent it seeks information which is subject to certain confidentiality provisions between TBS and/or its affiliated companies and/or others and which may not be disclosed absent the consent of the parties to such contracts.

INTERROGATORY NO. 2:

Please IDENTIFY ALL WITNESSES and PERSONS who calculate and/or determine YOUR annual gross revenues in 2015.

RESPONSE TO INTERROGATORY NO. 2:

TBS incorporates by reference each of the foregoing General Objections as if fully set forth herein. TBS objects to the definition of "YOUR" as overbroad and vague and ambiguous. TBS will interpret "YOUR" to refer to Turner Broadcasting System, Inc. and its directors, officers, and employees only. TBS further objects to the undefined term "annual gross revenues" as vague and ambiguous in that it fails to specifically identify the revenue information to which this Interrogatory relates. TBS further objects to this Interrogatory as TBS's annual gross revenues, and the identification of those individuals that calculate and/or determine TBS's annual gross revenues, are irrelevant to Plaintiff's claim for alleged damages as to four one-liner

jokes. TBS further objects to this Interrogatory as harassing as TBS is a global media company that creates and programs branded news; entertainment; kids and young adult; and sports media environments on television and other platforms for consumers around the world, unrelated to the TBS television network and/or the “Conan” show. TBS further objects to this Interrogatory as overbroad, unduly burdensome, and harassing to the extent the proposed discovery seeks financial information which is not relevant to any party’s claim or defense and is not proportional to the needs of the case, especially to the extent the Interrogatory relates to revenue information not attributable to any alleged infringement. TBS further objects to this Interrogatory to the extent that it seeks information about the identities of individual non-parties, the disclosure of which may lead to the invasion of privacy, harassment, or unnecessary involvement of individuals who are non-parties. TBS further objects to this Interrogatory to the extent it seeks information which is subject to certain confidentiality provisions between TBS and/or its affiliated companies and/or others and which may not be disclosed absent the consent of the parties to such contracts.

INTERROGATORY NO. 3:

Please IDENTIFY ALL DOCUMENTS that RELATE TO YOUR annual gross revenues in 2015.

RESPONSE TO INTERROGATORY NO. 3:

TBS incorporates by reference each of the foregoing General Objections as if fully set forth herein. TBS objects to the definition of “YOUR” as overbroad and vague and ambiguous. TBS will interpret “YOUR” to refer to Turner Broadcasting System, Inc. and its directors, officers, and employees only. TBS objects to the undefined term “annual gross revenues” as vague and ambiguous in that it fails to specifically identify the revenue information to which this Interrogatory relates. TBS further objects to this Interrogatory as TBS’s annual gross revenues, and the identification of documents relating to such, are irrelevant to Plaintiff’s claim for alleged damages as to four one-liner jokes. TBS further objects to this Interrogatory

1 as harassing as TBS is a global media company that creates and programs branded
 2 news; entertainment; kids and young adult; and sports media environments on
 3 television and other platforms for consumers around the world, unrelated to the TBS
 4 television network and/or the “Conan” show. TBS further objects to this
 5 Interrogatory as overbroad, unduly burdensome, and harassing to the extent the
 6 Interrogatory seeks the identification of documents containing financial information
 7 which is not relevant to any party’s claim or defense and is not proportional to the
 8 needs of the case, especially to the extent the Interrogatory relates to revenue
 9 information not attributable to any alleged infringement. TBS objects to this
 10 Interrogatory to the extent it seeks the identification of “all documents” and not
 11 information proportional to the needs of this case. TBS further objects to this
 12 Interrogatory to the extent that it seeks the identification of confidential information
 13 prior to the entry of a suitable protective order in this case. TBS further objects to this
 14 Interrogatory to the extent it seeks the identification of documents which are subject
 15 to certain confidentiality provisions between TBS and/or its affiliated companies
 16 and/or others and which may not be disclosed absent the consent of the parties to such
 17 contracts. TBS further objects to this Interrogatory to the extent it calls for the
 18 identification of documents or information subject to the attorney-client privilege, the
 19 attorney work-product doctrine, the joint-defense and/or common interest privilege,
 20 or any other applicable privileges. TBS further objects to this Interrogatory to the
 21 extent it purports to require the identification of documents from sources that are not
 22 reasonably accessible because of undue burden and cost.

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1 DATED: April 18, 2016

GLASER WEIL FINK HOWARD
AVCHEN & SHAPIRO LLP

3 By: /s/ Erica J. Van Loon

4 PATRICIA L. GLASER

5 ERICA J. VAN LOON

6 BRITTANY ELIAS

Attorneys for Defendants

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 10250 Constellation Boulevard, 19th Floor, Los Angeles, California 90067.

On April 18, 2016, I served the foregoing document(s) described as: **TURNER BROADCASTING SYSTEM, INC.'S OBJECTIONS AND RESPONSE TO PLAINTIFF'S INTERROGATORIES (SET ONE)** on the interested parties to this action at the following address(es):

SEE ATTACHED LIST

- ☐ **(BY MAIL)** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.
- ☐ **(BY ELECTRONIC SERVICE)** by causing the foregoing document(s) to be electronically filed using the Court's Electronic Filing System which constitutes service of the filed document(s) on the individual(s) listed on the attached mailing list.
- ☒ **(BY E-MAIL SERVICE)** I caused such document to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.
- ☐ **(BY OVERNIGHT DELIVERY)** I served the foregoing document by FedEx, an express service carrier which provides overnight delivery, as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.
- ☐ **(BY FACSIMILE)** I caused the above-referenced document to be transmitted to the interested parties via facsimile transmission to the fax number(s) as stated on the attached service list.
- ☐ **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the above named addressee(s).
- ☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- ☒ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on April 18, 2016, at Los Angeles, California.

/s/ Nicholas E. Huskins
Nicholas E. Huskins

GlaserWeil

SERVICE LIST

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Jmlorenzo.esq@gmail.com
Attorney for Plaintiff
Robert Alexander Kaseberg

Exhibit 10

1 PATRICIA L. GLASER – State Bar No. 55668
 pglaser@glaserweil.com
 2 ERICA J. VAN LOON - State Bar No. 227712
 evanloon@glaserweil.com
 3 BRITTANY ELIAS - State Bar No. 305922
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 4 GLASER WEIL FINK HOWARD
 AVCHEN & SHAPIRO LLP
 5 10250 Constellation Boulevard, 19th Floor
 Los Angeles, California 90067
 6 Telephone: (310) 553-3000
 Facsimile: (310) 556-2920
 7 *Attorneys for Defendants*

8 UNITED STATES DISTRICT COURT
 9 SOUTHERN DISTRICT OF CALIFORNIA

11 ROBERT ALEXANDER KASEBERG,

12 Plaintiff,

13 v.

14 CONACO, LLC, TURNER
 15 BROADCASTING SYSTEM, TIME
 WARNER, INC., CONAN O'BRIEN,
 16 JEFF ROSS, MIKE SWEENEY; DOES
 1-50, inclusive,

17 Defendants.
 18

CASE NO.: 15-CV-01637-JLS-DHB

Hon. Janis L. Sammartino

**CONACO, LLC'S OBJECTIONS
 AND RESPONSE TO
 PLAINTIFF'S
 INTERROGATORIES (SET ONE)**

20 PROPOUNDING PARTY: ROBERT ALEXANDER KASEBERG

21 RESPONDING PARTY: CONACO, LLC

22 SET NO.: ONE

23
 24 Pursuant to Fed. R. Civ. P. 26 and 33, Defendant Conaco, LLC ("Conaco"),
 25 hereby answers, objects, or otherwise responds to Plaintiff Robert Alexander
 26 Kaseberg's ("Plaintiff" or "Kaseberg") First Set of Interrogatories. Conaco expressly
 27 reserves the right to supplement, amend, or correct these responses.
 28

PRELIMINARY STATEMENT

These responses are made solely for the purpose of this action. Each answer is subject to all objections as to competence, relevance, materiality, propriety and admissibility, and any and all other objections and grounds which would require the exclusion of any statement herein if the Interrogatories were asked of, or any statements contained herein were made by, a witness present and testifying in Court, all of which objections and grounds are reserved and may be interposed at the time of trial.

Conaco has not completed its investigation of the facts relating to this case and has not completed its preparation for trial. The following responses are based upon information presently available to Conaco and are made without prejudice to Conaco of the right to utilize subsequently discovered facts.

Except for explicit facts admitted herein, no incidental or implied admissions are intended hereby. The fact that Conaco has answered any interrogatories should not be taken as an admission that Conaco accepts or admits the existence of any facts set forth or assumed by such interrogatory, or that such response constitutes admissible evidence. The fact that Conaco has answered part or all of any interrogatory is not intended and shall not be construed to be a waiver by Conaco of all or any part of any objection to any interrogatory.

The Preliminary Statement is incorporated into each of the responses set forth below.

GENERAL OBJECTIONS

Conaco generally objects to these Interrogatories on each and every one of the following grounds, which are incorporated into and made a part of Conaco's response to each and every Interrogatory.

1. Conaco objects to the extent the Interrogatories seek to impose obligations upon Conaco not required by the Federal Rules of Civil Procedure, the Local Rules for the United States District Court for the Southern District of California

1 (“Local Rules”), or the Orders of this Court. Conaco’s responses shall be controlled
2 by and comply with the requirements of the Federal Rules, the Local Rules, and the
3 Orders of this Court.

4 2. Conaco objects to extent the Interrogatories seek information not
5 relevant to any claim or defense of a party, and expressly reserves all rights to
6 withhold information or documents on that basis alone or in conjunction with other
7 bases set forth herein.

8 3. Conaco objects to the extent the Interrogatories are vague, ambiguous,
9 and incomprehensible. As drafted, the Interrogatories could require responses and/or
10 the production of documents that have no relationship to the facts and issues in
11 dispute and which are not reasonably calculated to lead to the discovery of admissible
12 evidence.

13 4. Conaco objects to the Interrogatories and their accompanying
14 “Definitions” and “Instructions” as overly broad and unduly burdensome to the extent
15 that they seek information that exceeds the permissible scope of discovery and
16 information or documents that are neither relevant nor proportional to the needs of the
17 case.

18 5. Conaco objects to the extent the Interrogatories call for information
19 which is confidential and proprietary, including trade secrets and sensitive financial
20 information, prior to the entry of a protective order in this action.

21 6. Conaco objects to the extent the Interrogatories seek information which
22 is publicly available and/or equally available to Plaintiff and the burden of obtaining
23 the responsive information is substantially the same for Plaintiff as it is for Conaco.

24 7. Conaco objects to the extent the Interrogatories are unreasonably
25 duplicative in nature, and/or designed to harass and increase costs, rather than reflect
26 a good faith effort at seeking relevant evidence.

27 8. Conaco objects to the extent the Interrogatories call for the disclosure of
28 documents or information subject to the attorney-client privilege, the attorney work-

1 product doctrine, the joint-defense and/or common interest privilege, the right of
 2 privacy, or any other applicable privileges. Such information or documents shall not
 3 be provided in response to these interrogatories, and any inadvertent disclosure or
 4 production thereof shall not be deemed a waiver of any privilege or protection with
 5 respect to such information or documents.

6 9. Conaco objects to the extent the Interrogatories seek documents or
 7 information which are subject to certain confidentiality provisions between Conaco
 8 and/or its affiliated companies and/or others and which may not be disclosed absent
 9 the consent of the parties to such contracts.

10 10. Conaco objects to the extent the Interrogatories seek documents or
 11 information from sources that are not reasonably accessible because of undue burden
 12 and cost.

13 11. Conaco objects to the definition of “YOU” and “YOUR” as vague,
 14 ambiguous, overbroad, unduly burdensome, not relevant, and not likely to lead to the
 15 discovery of admissible evidence, to the extent they purport to require Conaco to
 16 respond on behalf of persons or entities other than Conaco. For purposes of its
 17 responses herein, Conaco will interpret “YOU” and “YOUR” to refer to Conaco,
 18 LLC, and its directors, officers, and employees only.

19 **RESPONSES TO INTERROGATORIES**

20 **INTERROGATORY NO. 1:**

21 **Please IDENTIFY YOUR annual gross revenues in 2015.**

22 **RESPONSE TO INTERROGATORY NO. 1:**

23 Conaco incorporates by reference each of the foregoing General Objections as
 24 if fully set forth herein. Conaco objects to the definition of “YOUR” as overbroad
 25 and vague and ambiguous. Conaco will interpret “YOUR” to refer to Conaco, LLC
 26 and its directors, officers, and employees only. Conaco further objects to the
 27 undefined term “annual gross revenues” as vague and ambiguous in that it fails to
 28 specifically identify what revenue information it seeks from Conaco. **Conaco further**

1 objects to this Interrogatory as Conaco's annual gross revenues are irrelevant to
 2 Plaintiff's claim for alleged damages as to four one-liner jokes. Conaco further
 3 objects to this Interrogatory as overbroad, unduly burdensome, and harassing to the
 4 extent the proposed discovery seeks financial information which is not relevant to any
 5 party's claim or defense and is not proportional to the needs of the case, especially to
 6 the extent the Interrogatory seeks revenue information not attributable to any alleged
 7 infringement. Conaco further objects to this Interrogatory to the extent it seeks
 8 confidential financial information prior to the entry of a suitable protective order in
 9 this case. Conaco further objects to this Interrogatory to the extent it seeks
 10 information which is subject to certain confidentiality provisions between Conaco
 11 and/or its affiliated companies and/or others and which may not be disclosed absent
 12 the consent of the parties to such contracts.

13 **INTERROGATORY NO. 2:**

14 Please IDENTIFY ALL WITNESSES and PERSONS who calculate and/or
 15 determine YOUR annual gross revenues in 2015.

16 **RESPONSE TO INTERROGATORY NO. 2:**

17 Conaco incorporates by reference each of the foregoing General Objections as
 18 if fully set forth herein. Conaco objects to the definition of "YOUR" as overbroad
 19 and vague and ambiguous. Conaco will interpret "YOUR" to refer to Conaco, LLC,
 20 and its directors, officers, and employees only. Conaco further objects to the
 21 undefined term "annual gross revenues" as vague and ambiguous in that it fails to
 22 specifically identify the revenue information to which this Interrogatory relates.

23 Conaco further objects to this Interrogatory as Conaco's annual gross revenues, and
 24 the identification of those individuals that calculate and/or determine Conaco's annual
 25 gross revenues, are irrelevant to Plaintiff's claim for alleged damages as to four one-
 26 liner jokes. Conaco further objects to this Interrogatory as overbroad, unduly
 27 burdensome, and harassing to the extent the proposed discovery seeks financial
 28 information which is not relevant to any party's claims or defense and is not

1 proportional to the needs of the case, especially to the extent the Interrogatory relates
 2 to revenue information not attributable to any alleged infringement. Conaco further
 3 objects to this Interrogatory to the extent that it seeks information about the identities
 4 of individual non-parties, the disclosure of which may lead to the invasion of privacy,
 5 harassment, or unnecessary involvement of individuals who are non-parties. Conaco
 6 further objects to this Interrogatory to the extent it seeks information which is subject
 7 to certain confidentiality provisions between Conaco and/or its affiliated companies
 8 and/or others and which may not be disclosed absent the consent of the parties to such
 9 contracts.

10 **INTERROGATORY NO. 3:**

11 Please IDENTIFY ALL DOCUMENTS that RELATE TO YOUR annual gross
 12 revenues in 2015.

13 **RESPONSE TO INTERROGATORY NO. 3:**

14 Conaco incorporates by reference each of the foregoing General Objections as
 15 if fully set forth herein. Conaco objects to the definition of “YOUR” as overbroad
 16 and vague and ambiguous. Conaco will interpret “YOUR” to refer to Conaco, LLC,
 17 and its directors, officers, and employees only. Conaco further objects to the
 18 undefined term “annual gross revenues” as vague and ambiguous in that it fails to
 19 specifically identify the revenue information to which this Interrogatory relates.

20 Conaco further objects to this Interrogatory as Conaco’s annual gross revenues, and
 21 the identification of documents relating to such, are irrelevant to Plaintiff’s claims for
 22 alleged damages as to four one-liner jokes. Conaco further objects to this
 23 Interrogatory as overbroad, unduly burdensome, and harassing to the extent the
 24 Interrogatory seeks the identification of documents containing financial information
 25 which is not relevant to any party’s claims or defenses, and is not proportional to the
 26 needs of the case, especially to the extent the Interrogatory relates to revenue
 27 information which is not attributable to any alleged infringement. Conaco further
 28 objects to this Interrogatory to the extent it seeks the identification of “all documents”

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1 and not information proportional to the needs of this case. Conaco further objects to
 2 this Interrogatory to the extent that it seeks the identification of confidential
 3 information prior to the entry of a suitable protective order in this case. Conaco
 4 further objects to this Interrogatory to the extent it seeks the identification of
 5 documents which are subject to certain confidentiality provisions between Conaco
 6 and/or its affiliated companies and/or others and which may not be disclosed absent
 7 the consent of the parties to such contracts. Conaco further objects to this
 8 Interrogatory to the extent it calls for the identification of documents or information
 9 subject to the attorney-client privilege, the attorney work-product doctrine, the joint-
 10 defense and/or common interest privilege, or any other applicable privileges. Conaco
 11 further objects to this Interrogatory to the extent it purports to require the
 12 identification of documents from sources that are not reasonably accessible because
 13 of undue burden and cost.

14 **INTERROGATORY NO. 4:**

15 Please IDENTIFY the names of all persons on YOUR writing staff including
 16 any and writing staff interns within the last five years.

17 **RESPONSE TO INTERROGATORY NO. 4:**

18 Conaco incorporates by reference each of the foregoing General Objections as
 19 if fully set forth herein. Conaco objects to the definition of “YOUR” as overbroad
 20 and vague and ambiguous. Conaco will interpret “YOUR” to refer to Conaco, LLC,
 21 and its directors, officers, and employees only. Conaco further objects to this
 22 Interrogatory as overbroad, unduly burdensome, and harassing to the extent the
 23 Interrogatory seeks information which is not relevant to any party’s claim or defense
 24 and is not proportional to the needs of the case, especially to the extent the
 25 Interrogatory is not limited in scope to those writers that wrote, created or edited the
 26 jokes specifically identified in the Complaint. Conaco further objects to this
 27 Interrogatory to the extent that it seeks information about the identities of individual
 28 non-parties, the disclosure of which may lead to the invasion of privacy, harassment,

1 or unnecessary involvement of individuals who are non-parties. Conaco further
 2 objects to this Interrogatory to the extent it purports to require the identification of
 3 information from sources that are not reasonably accessible because of undue burden
 4 and cost.

5 Subject to and without waiving the foregoing general and specific objections,
 6 Conaco responds as follows: The following members of the writing staff wrote,
 7 created, and/or edited the jokes at issue:

- 8 (1) Josh Comers
- 9 (2) Rob Kutner
- 10 (3) Brian Kiley
- 11 (4) Mike Sweeney

12 **INTERROGATORY NO. 5:**

13 For each person listed in INTERROGATORY NO. 4 please provide the gross
 14 revenue or annual salary of each person listed in 2015.

15 **RESPONSE TO INTERROGATORY NO. 5:**

16 Conaco incorporates by reference each of the foregoing General Objections as
 17 if fully set forth herein. Conaco further objects to this Interrogatory as overbroad,
 18 unduly burdensome, and harassing to the extent the Interrogatory seeks information
 19 which is not relevant to any party's claim or defense and is not proportional to the
 20 needs of the case, especially to the extent the Interrogatory is not limited in scope to
 21 those writers that wrote, created or edited the jokes specifically identified in the
 22 Complaint. Conaco further objects to this Interrogatory to the extent it seeks the
 23 identification of confidential information prior to the entry of a suitable protective
 24 order in this case. Conaco further objects that the gross revenues or annual salary of
 25 the writing staff or writing staff interns are irrelevant to Plaintiff's claim for alleged
 26 damages as to four one-liner jokes. Conaco further objects to this Interrogatory to the
 27 extent it seeks personal financial information subject to the attorney-client privilege,
 28 the attorney work-product doctrine, the right of privacy, or any other applicable

1 privileges.

2 **INTERROGATORY NO. 6:**

3 Please IDENTIFY the person most knowledgeable regarding the writing,
4 submission and use of jokes on YOUR “CONAN” show monologue in 2015.

5 **RESPONSE TO INTERROGATORY NO. 6:**

6 Conaco incorporates by reference each of the foregoing General Objections as
7 if fully set forth herein. Conaco objects to the definition of “YOUR” as overbroad
8 and vague and ambiguous. Conaco will interpret “YOUR” to refer to Conaco, LLC,
9 and its directors, officers, and employees only.

10 Subject to and without waiving the foregoing general and specific objections,
11 Conaco responds as follows: Mike Sweeney is Conaco’s person most knowledgeable
12 regarding the writing, submission and use of jokes on the “CONAN” show
13 monologue in 2015.

14 **INTERROGATORY NO. 7:**

15 Please IDENTIFY the names of all person on YOUR writing staff including
16 any and writing staff interns who have submitted material or jokes for YOUR
17 “CONAN” show monologue in the last three years.

18 **RESPONSE TO INTERROGATORY NO. 7:**

19 Conaco incorporates by reference each of the foregoing General Objections as
20 if fully set forth herein. Conaco objects to the definition of “YOUR” as overbroad
21 and vague and ambiguous. Conaco will interpret “YOUR” to refer to Conaco, LLC,
22 and its directors, officers, and employees only. Conaco further objects to this
23 Interrogatory as overbroad, unduly burdensome, and harassing to the extent the
24 Interrogatory seeks information which is not relevant to any party’s claim or defense
25 and is not proportional to the needs of the case, especially to the extent the
26 Interrogatory is not limited in scope to those writers that wrote, created or edited the
27 jokes specifically identified in the Complaint. Conaco further objects to this
28 Interrogatory to the extent that it seeks information about the identities of individual

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1 non-parties, the disclosure of which may lead to the invasion of privacy, harassment,
 2 or unnecessary involvement of individuals who are non-parties. Conaco further
 3 objects to the extent this Interrogatory is duplicative of Interrogatory No. 4. Conaco
 4 further objects to this Interrogatory to the extent it purports to require the
 5 identification of information from sources that are not reasonably accessible because
 6 of undue burden and cost.

7 **Subject to and without waiving the foregoing general and specific objections,**
 8 **Conaco responds as follows: The following members of the writing staff wrote,**
 9 **created and/or edited the jokes at issue for the “Conan” show monologue:**

- 10 (1) Josh Comers
- 11 (2) Rob Kutner
- 12 (3) Brian Kiley
- 13 (4) Mike Sweeney

14
 15 DATED: April 18, 2016

GLASER WEIL FINK HOWARD
 AVCHEN & SHAPIRO LLP

17 By: /s/ Erica J. Van Loon
 18 PATRICIA L. GLASER
 19 ERICA J. VAN LOON
 20 BRITTANY ELIAS
 Attorneys for Defendants

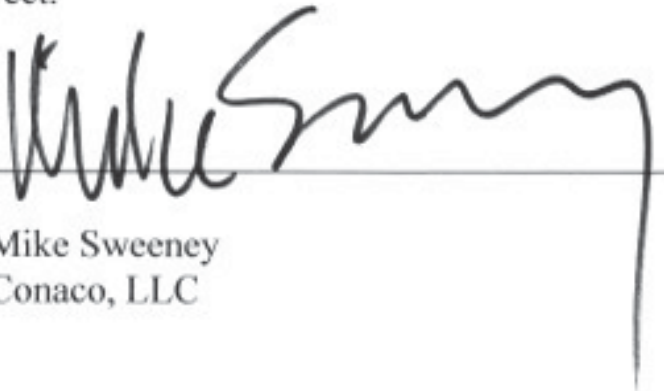
VERIFICATION

I, Mike Sweeney, have read the foregoing Conaco, LLC's Objections and Response to Plaintiff's Interrogatories (Set One) and know its contents.

I am a writer and producer for the "Conan" show, and am authorized to make this verification for and on behalf of Conaco, LLC. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on _____, 2016 at _____.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Mike Sweeney
Conaco, LLC

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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 10250 Constellation Boulevard, 19th Floor, Los Angeles, California 90067.

On April 18, 2016, I served the foregoing document(s) described as: **CONACO, LLC's OBJECTIONS AND RESPONSE TO PLAINTIFF'S INTERROGATORIES (SET ONE)** on the interested parties to this action at the following address(es):

SEE ATTACHED LIST

- ☐ **(BY MAIL)** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.
- ☐ **(BY ELECTRONIC SERVICE)** by causing the foregoing document(s) to be electronically filed using the Court's Electronic Filing System which constitutes service of the filed document(s) on the individual(s) listed on the attached mailing list.
- ☒ **(BY E-MAIL SERVICE)** I caused such document to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.
- ☐ **(BY OVERNIGHT DELIVERY)** I served the foregoing document by FedEx, an express service carrier which provides overnight delivery, as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.
- ☐ **(BY FACSIMILE)** I caused the above-referenced document to be transmitted to the interested parties via facsimile transmission to the fax number(s) as stated on the attached service list.
- ☐ **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the above named addressee(s).
- ☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- ☒ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on April 18, 2016, at Los Angeles, California.

/s/ Nicholas E. Huskins
Nicholas E. Huskins

GlaserWeil

SERVICE LIST

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(Fax) 760-520-7900
Jmlorenzo.esq@gmail.com
Attorney for Plaintiff
Robert Alexander Kaseberg

Exhibit 11

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 GLASER WEIL FINK HOWARD
 AVCHEN & SHAPIRO LLP
 10250 Constellation Boulevard, 19th Floor
 Los Angeles, California 90067
 Telephone: (310) 553-3000
 Facsimile: (310) 556-2920
Attorneys for Defendants

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

ROBERT ALEXANDER KASEBERG,
 Plaintiff,
 v.
 CONACO, LLC, TURNER
 BROADCASTING SYSTEM, TIME
 WARNER, INC., CONAN O'BRIEN,
 JEFF ROSS, MIKE SWEENEY; DOES
 1-50, inclusive,
 Defendants.

CASE NO.: 15-CV-01637-JLS-DHB
 Hon. Janis L. Sammartino

**MIKE SWEENEY'S OBJECTIONS
 AND RESPONSE TO
 PLAINTIFF'S
 INTERROGATORIES (SET ONE)**

PROPOUNDING PARTY: ROBERT ALEXANDER KASEBERG
 RESPONDING PARTY: MIKE SWEENEY
 SET NO.: ONE

Pursuant to Fed. R. Civ. P. 26 and 33, Defendant Mike Sweeney ("Mr. Sweeney") hereby answers, objects, or otherwise responds to Plaintiff Robert Alexander Kaseberg's ("Plaintiff" or "Kaseberg") First Set of Interrogatories. Mr. Sweeney expressly reserves the right to supplement, amend, or correct these responses.

PRELIMINARY STATEMENT

These responses are made solely for the purpose of this action. Each answer is subject to all objections as to competence, relevance, materiality, propriety and admissibility, and any and all other objections and grounds which would require the exclusion of any statement herein if the Interrogatories were asked of, or any statements contained herein were made by, a witness present and testifying in Court, all of which objections and grounds are reserved and may be interposed at the time of trial.

Mr. Sweeney has not completed his investigation of the facts relating to this case and has not completed his preparation for trial. The following responses are based upon information presently available to Mr. Sweeney and are made without prejudice to Mr. Sweeney of the right to utilize subsequently discovered facts.

Except for explicit facts admitted herein, no incidental or implied admissions are intended hereby. The fact that Mr. Sweeney has answered any interrogatories should not be taken as an admission that Mr. Sweeney accepts or admits the existence of any facts set forth or assumed by such interrogatory, or that such response constitutes admissible evidence. The fact that Mr. Sweeney has answered part or all of any interrogatory is not intended and shall not be construed to be a waiver by Mr. Sweeney of all or any part of any objection to any interrogatory.

The Preliminary Statement is incorporated into each of the responses set forth below.

GENERAL OBJECTIONS

Mr. Sweeney generally objects to these Interrogatories on each and every one of the following grounds, which are incorporated into and made a part of Mr. Sweeney's response to each and every Interrogatory:

1. Mr. Sweeney objects to the extent the Interrogatories seek to impose obligations upon Mr. Sweeney not required by the Federal Rules of Civil Procedure, the Local Rules for the United States District Court for the Southern District of

1 California (“Local Rules”), or the Orders of this Court. Mr. Sweeney’s responses
2 shall be controlled by and comply with the requirements of the Federal Rules, the
3 Local Rules, and the Orders of this Court.

4 2. Mr. Sweeney objects to extent the Interrogatories seek information not
5 relevant to any claim or defense of a party, and expressly reserves all rights to
6 withhold information or documents on that basis alone or in conjunction with other
7 bases set forth herein.

8 3. Mr. Sweeney objects to the extent the Interrogatories are vague,
9 ambiguous, and incomprehensible. As drafted, the Interrogatories could require
10 responses and/or the production of documents that have no relationship to the facts
11 and issues in dispute and which are not reasonably calculated to lead to the discovery
12 of admissible evidence.

13 4. Mr. Sweeney objects to the Interrogatories and their accompanying
14 “Definitions” and “Instructions” as overly broad and unduly burdensome to the extent
15 that they seek information that exceeds the permissible scope of discovery and
16 information or documents that are neither relevant nor proportional to the needs of the
17 case.

18 5. Mr. Sweeney objects to the extent the Interrogatories call for information
19 which is confidential and proprietary, including trade secrets and sensitive financial
20 information, prior to the entry of a protective order in this action.

21 6. Mr. Sweeney objects to the extent the Interrogatories seek information
22 which is publicly available and/or equally available to Plaintiff and the burden of
23 obtaining the responsive information is substantially the same for Plaintiff as it is for
24 Mr. Sweeney.

25 7. Mr. Sweeney objects to the extent the Interrogatories are unreasonably
26 duplicative in nature, and/or designed to harass and increase costs, rather than reflect
27 a good faith effort at seeking relevant evidence.

28 8. Mr. Sweeney objects to the extent the Interrogatories call for the

disclosure of information subject to the attorney-client privilege, the attorney work-product doctrine, the joint-defense and/or common interest privilege, the right of privacy, or any other applicable privileges. Such information or documents shall not be provided in response to these interrogatories, and any inadvertent disclosure or production thereof shall not be deemed a waiver of any privilege or protection with respect to such information or documents.

9. Mr. Sweeney objects to the extent the Interrogatories seek documents or information from sources that are not reasonably accessible because of undue burden and cost.

10. Mr. Sweeney objects to the definition of “YOU” and “YOUR” as vague, ambiguous, overbroad, unduly burdensome, not relevant, and not likely to lead to the discovery of admissible evidence, to the extent they purport to require Mr. Sweeney to respond on behalf of persons or entities other than Mr. Sweeney. For purposes of his responses herein, Mr. Sweeney will interpret “YOU” and “YOUR” to refer solely to Mike Sweeney, the individual.

RESPONSES TO SPECIAL INTERROGATORIES

SPECIAL INTERROGATORY NO. 1:

Please IDENTIFY YOUR annual gross revenues in 2015.

RESPONSE TO SPECIAL INTERROGATORY NO. 1:

Mr. Sweeney incorporates by reference each of the foregoing General Objections as if fully set forth herein. Mr. Sweeney objects to the definition of “YOUR” as overbroad and vague and ambiguous. Mr. Sweeney will interpret “YOUR” to refer solely to Mike Sweeney, the individual. Mr. Sweeney further objects to the undefined term “annual gross revenues” as vague and ambiguous, insofar as Mr. Sweeney is an individual to whom revenue information is inapplicable. Mr. Sweeney further objects to this Interrogatory as oppressive, burdensome, and harassing to the extent it seeks financial information not kept in the ordinary course of business. Mr. Sweeney further objects to this Interrogatory to the extent that the

financial information sought in this Interrogatory is irrelevant to Plaintiff's claim for alleged damages as to four one-liner jokes. Mr. Sweeney further objects to this Interrogatory as overbroad, unduly burdensome, and harassing to the extent the proposed discovery seeks financial information which is not relevant to any party's claim or defense and is not proportional to the needs of the case, especially to the extent the Interrogatory relates to financial information not attributable to any alleged infringement. Mr. Sweeney further objects to this Interrogatory as seeking confidential financial information prior to the entry of a suitable protective order in this action. Mr. Sweeney further objects to this Interrogatory to the extent it seeks personal financial information subject to the attorney-client privilege, the attorney work-product doctrine, the joint-defense and/or common interest privilege, the right of privacy, or any other applicable privileges.

INTERROGATORY NO. 2:

Please IDENTIFY ALL WITNESSES and PERSONS who calculate and/or determine YOUR annual gross revenues in 2015.

RESPONSE TO INTERROGATORY NO. 2:

Mr. Sweeney incorporates by reference each of the foregoing General Objections as if fully set forth herein. Mr. Sweeney objects to the definition of "YOUR" as overbroad and vague and ambiguous. Mr. Sweeney will interpret "YOUR" to refer solely to Mike Sweeney, the individual. Mr. Sweeney further objects to the undefined term "annual gross revenues" as vague and ambiguous, insofar as Mr. Sweeney is an individual to whom revenue information is inapplicable. Mr. Sweeney further objects to this Interrogatory as oppressive, burdensome, and harassing to the extent it seeks information not kept in the ordinary course of business. Mr. Sweeney further objects to this Interrogatory to the extent that the financial information sought in this Interrogatory is irrelevant to Plaintiff's claim for alleged damages as to four one-liner jokes. Mr. Sweeney further objects to this Interrogatory as overbroad, unduly burdensome, and harassing to the extent the

1 proposed discovery seeks financial information which is not relevant to any party's
 2 claim or defense and is not proportional to the needs of the case, especially to the
 3 extent the Interrogatory relates to financial information not attributable to any alleged
 4 infringement. Mr. Sweeney further objects to this Interrogatory to the extent that it
 5 seeks information about the identities of individual non-parties, the disclosure of
 6 which may lead to the invasion of privacy, harassment, or unnecessary involvement
 7 of individuals who are non-parties.

8 **INTERROGATORY NO. 3:**

9 Please IDENTIFY ALL DOCUMENTS that RELATE TO YOUR annual gross
 10 revenues in 2015.

11 **RESPONSE TO INTERROGATORY NO. 3:**

12 Mr. Sweeney incorporates by reference each of the foregoing General
 13 Objections as if fully set forth herein. Mr. Sweeney objects to the definition of
 14 "YOUR" as overbroad and vague and ambiguous. Mr. Sweeney will interpret
 15 "YOUR" to refer solely to Mike Sweeney, the individual. Mr. Sweeney further
 16 objects to undefined term "annual gross revenues" as vague and ambiguous, insofar
 17 as Mr. Sweeney is an individual to whom revenue information is inapplicable. Mr.
 18 Sweeney further objects to this Interrogatory as oppressive, burdensome, and
 19 harassing to the extent it seeks information not kept in the ordinary course of
 20 business. Mr. Sweeney further objects to this Interrogatory to the extent that the
 21 financial information sought in this Interrogatory is irrelevant to Plaintiff's claim for
 22 alleged damages as to four one-liner jokes. Mr. Sweeney further objects to this
 23 Interrogatory as overbroad, unduly burdensome, and harassing to the extent the
 24 proposed discovery seeks financial information which is not relevant to any party's
 25 claim or defense and is not proportional to the needs of the case, especially to the
 26 extent the Interrogatory relates to financial information not attributable to any alleged
 27 infringement. Mr. Sweeney further objects to this Interrogatory to the extent it seeks
 28 the identification of "all documents" and not information proportional to the needs of

1 this case. Mr. Sweeney further objects to the extent that it seeks the identification of
2 confidential information prior to the entry of a suitable protective order in this case.
3 Mr. Sweeney further objects to this Interrogatory to the extent it seeks personal
4 financial information subject to the attorney-client privilege, the attorney work-
5 product doctrine, the joint-defense and/or common interest privilege, the right of
6 privacy, or any other applicable privileges. Mr. Sweeney further objects to this
7 Interrogatory to the extent it purports to require the identification of documents from
8 sources that are not reasonably accessible because of undue burden and cost.
9

10 DATED: April 18, 2016

GLASER WEIL FINK HOWARD
AVCHEN & SHAPIRO LLP

11
12 By: /s/ Erica J. Van Loon

13 PATRICIA L. GLASER

14 ERICA J. VAN LOON

15 BRITTANY ELIAS

16 *Attorneys for Defendants*
17
18
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25
26
27
28

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 10250 Constellation Boulevard, 19th Floor, Los Angeles, California 90067.

On April 18, 2016, I served the foregoing document(s) described as: **MIKE SWEENEY'S OBJECTIONS AND RESPONSE TO PLAINTIFF'S INTERROGATORIES (SET ONE)** on the interested parties to this action at the following address(es):

SEE ATTACHED LIST

☐ **(BY MAIL)** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

☐ **(BY ELECTRONIC SERVICE)** by causing the foregoing document(s) to be electronically filed using the Court's Electronic Filing System which constitutes service of the filed document(s) on the individual(s) listed on the attached mailing list.

☒ **(BY E-MAIL SERVICE)** I caused such document to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.

☐ **(BY OVERNIGHT DELIVERY)** I served the foregoing document by FedEx, an express service carrier which provides overnight delivery, as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.

☐ **(BY FACSIMILE)** I caused the above-referenced document to be transmitted to the interested parties via facsimile transmission to the fax number(s) as stated on the attached service list.

☐ **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the above named addressee(s).

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on April 18, 2016, at Los Angeles, California.

/s/ Nicholas E. Huskins
Nicholas E. Huskins

GlaserWeil

SERVICE LIST

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Robert Alexander Kaseberg

Exhibit 12

GlaserWeil

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 Telephone: (310) 553-3000
 Facsimile: (310) 556-2920
Attorneys for Defendants

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

ROBERT ALEXANDER KASEBERG,

Plaintiff,

v.

CONACO, LLC, TURNER
 BROADCASTING SYSTEM, TIME
 WARNER, INC., CONAN O'BRIEN,
 JEFF ROSS, MIKE SWEENEY; DOES
 1-50, inclusive,

Defendants.

CASE NO.: 15-CV-01637-JLS-DHB

Hon. Janis L. Sammartino

**CONAN O'BRIEN'S OBJECTIONS
 AND RESPONSE TO
 PLAINTIFF'S
 INTERROGATORIES (SET ONE)**

PROPOUNDING PARTY: ROBERT ALEXANDER KASEBERG

RESPONDING PARTY: CONAN O'BRIEN

SET NO.: ONE

Pursuant to Fed. R. Civ. P. 26 and 33, Defendant Conan O'Brien ("Mr. O'Brien") hereby answers, objects, or otherwise responds to Plaintiff Robert Alexander Kaseberg's ("Plaintiff" or "Kaseberg") First Set of Interrogatories. Mr. O'Brien expressly reserves the right to supplement, amend, or correct these responses.

PRELIMINARY STATEMENT

These responses are made solely for the purpose of this action. Each answer is subject to all objections as to competence, relevance, materiality, propriety and admissibility, and any and all other objections and grounds which would require the exclusion of any statement herein if the Interrogatories were asked of, or any statements contained herein were made by, a witness present and testifying in Court, all of which objections and grounds are reserved and may be interposed at the time of trial.

Mr. O'Brien has not completed his investigation of the facts relating to this case and has not completed his preparation for trial. The following responses are based upon information presently available to Mr. O'Brien and are made without prejudice to Mr. O'Brien of the right to utilize subsequently discovered facts.

Except for explicit facts admitted herein, no incidental or implied admissions are intended hereby. The fact that Mr. O'Brien has answered any interrogatories should not be taken as an admission that Mr. O'Brien accepts or admits the existence of any facts set forth or assumed by such interrogatory, or that such response constitutes admissible evidence. The fact that Mr. O'Brien has answered part or all of any interrogatory is not intended and shall not be construed to be a waiver by Mr. O'Brien of all or any part of any objection to any interrogatory.

The Preliminary Statement is incorporated into each of the responses set forth below.

GENERAL OBJECTIONS

Mr. O'Brien generally objects to these Interrogatories on each and every one of the following grounds, which are incorporated into and made a part of Mr. O'Brien's response to each and every Interrogatory:

1. Mr. O'Brien objects to the extent the Interrogatories seek to impose obligations upon Mr. O'Brien not required by the Federal Rules of Civil Procedure, the Local Rules for the United States District Court for the Southern District of

1 California (“Local Rules”), or the Orders of this Court. Mr. O’Brien’s responses shall
2 be controlled by and comply with the requirements of the Federal Rules, the Local
3 Rules, and the Orders of this Court.

4 2. Mr. O’Brien objects to extent the Interrogatories seek information not
5 relevant to any claim or defense of a party, and expressly reserves all rights to
6 withhold information or documents on that basis alone or in conjunction with other
7 bases set forth herein.

8 3. Mr. O’Brien objects to the extent the Interrogatories are vague,
9 ambiguous, and incomprehensible. As drafted, the Interrogatories could require
10 responses and/or the production of documents that have no relationship to the facts
11 and issues in dispute and which are not reasonably calculated to lead to the discovery
12 of admissible evidence.

13 4. Mr. O’Brien objects to the Interrogatories and their accompanying
14 “Definitions” and “Instructions” as overly broad and unduly burdensome to the extent
15 that they seek information that exceeds the permissible scope of discovery and
16 information or documents that are neither relevant nor proportional to the needs of the
17 case.

18 5. Mr. O’Brien objects to the extent the Interrogatories call for information
19 which is confidential and proprietary, including trade secrets and sensitive financial
20 information, prior to the entry of a protective order in this action.

21 6. Mr. O’Brien objects to the extent the Interrogatories seek information
22 which is publicly available and/or equally available to Plaintiff and the burden of
23 obtaining the responsive information is substantially the same for Plaintiff as it is for
24 Mr. O’Brien.

25 7. Mr. O’Brien objects to the extent the Interrogatories are unreasonably
26 duplicative in nature, and/or designed to harass and increase costs, rather than reflect
27 a good faith effort at seeking relevant evidence.

28 8. Mr. O’Brien objects to the extent the Interrogatories call for the

disclosure of information subject to the attorney-client privilege, the attorney work-product doctrine, the joint-defense and/or common interest privilege, the right of privacy, or any other applicable privileges. Such information or documents shall not be provided in response to these interrogatories, and any inadvertent disclosure or production thereof shall not be deemed a waiver of any privilege or protection with respect to such information or documents.

9. Mr. O'Brien objects to the extent the Interrogatories seek documents or information from sources that are not reasonably accessible because of undue burden and cost.

10. Mr. O'Brien objects to the definition of "YOU" and "YOUR" as vague, ambiguous, overbroad, unduly burdensome, not relevant, and not likely to lead to the discovery of admissible evidence, to the extent they purport to require Mr. O'Brien to respond on behalf of persons or entities other than Mr. O'Brien. For purposes of his responses herein, Mr. O'Brien will interpret "YOU" and "YOUR" to refer solely to Conan O'Brien, the individual.

RESPONSES TO SPECIAL INTERROGATORIES

SPECIAL INTERROGATORY NO. 1:

Please IDENTIFY YOUR annual gross revenues in 2015.

RESPONSE TO SPECIAL INTERROGATORY NO. 1:

Mr. O'Brien incorporates by reference each of the foregoing General Objections as if fully set forth herein. Mr. O'Brien objects to the definition of "YOUR" as overbroad and vague and ambiguous. Mr. O'Brien will interpret "YOUR" to refer solely to Conan O'Brien, the individual. Mr. O'Brien further objects to the undefined term "annual gross revenues" as vague and ambiguous, insofar as Mr. O'Brien is an individual to whom revenue information is inapplicable. Mr. O'Brien further objects to this Interrogatory as oppressive, burdensome, and harassing to the extent it seeks financial information not kept in the ordinary course of business. Mr. O'Brien further objects to this Interrogatory to the extent that the

financial information sought in this Interrogatory is irrelevant to Plaintiff's claim for alleged damages as to four one-liner jokes. Mr. O'Brien further objects to this Interrogatory as overbroad, unduly burdensome, and harassing to the extent the proposed discovery seeks financial information which is not relevant to any party's claim or defense and is not proportional to the needs of the case, especially to the extent the Interrogatory relates to financial information not attributable to any alleged infringement. Mr. O'Brien further objects to this Interrogatory as seeking confidential financial information prior to the entry of a suitable protective order in this action. Mr. O'Brien further objects to this Interrogatory to the extent it seeks personal financial information subject to the attorney-client privilege, the attorney work-product doctrine, the joint-defense and/or common interest privilege, the right of privacy, or any other applicable privileges.

INTERROGATORY NO. 2:

Please IDENTIFY ALL WITNESSES and PERSONS who calculate and/or determine YOUR annual gross revenues in 2015.

RESPONSE TO INTERROGATORY NO. 2:

Mr. O'Brien incorporates by reference each of the foregoing General Objections as if fully set forth herein. Mr. O'Brien objects to the definition of "YOUR" as overbroad and vague and ambiguous. Mr. O'Brien will interpret "YOUR" to refer solely to Conan O'Brien, the individual. Mr. O'Brien further objects to the undefined term "annual gross revenues" as vague and ambiguous, insofar as Mr. O'Brien is an individual to whom revenue information is inapplicable. Mr. O'Brien further objects to this Interrogatory as oppressive, burdensome, and harassing to the extent it seeks information not kept in the ordinary course of business. Mr. O'Brien further objects to this Interrogatory to the extent that the financial information sought in this Interrogatory is irrelevant to Plaintiff's claim for alleged damages as to four one-liner jokes. Mr. O'Brien further objects to this Interrogatory as overbroad, unduly burdensome, and harassing to the extent the

1 proposed discovery seeks financial information which is not relevant to any party's
 2 claim or defense and is not proportional to the needs of the case, especially to the
 3 extent the Interrogatory relates to financial information not attributable to any alleged
 4 infringement. Mr. O'Brien further objects to this Interrogatory to the extent that it
 5 seeks information about the identities of individual non-parties, the disclosure of
 6 which may lead to the invasion of privacy, harassment, or unnecessary involvement
 7 of individuals who are non-parties.

8 **INTERROGATORY NO. 3:**

9 Please IDENTIFY ALL DOCUMENTS that RELATE TO YOUR annual gross
 10 revenues in 2015.

11 **RESPONSE TO INTERROGATORY NO. 3:**

12 Mr. O'Brien incorporates by reference each of the foregoing General
 13 Objections as if fully set forth herein. Mr. O'Brien objects to the definition of
 14 "YOUR" as overbroad and vague and ambiguous. Mr. O'Brien will interpret
 15 "YOUR" to refer solely to Conan O'Brien, the individual. Mr. O'Brien further
 16 objects to undefined term "annual gross revenues" as vague and ambiguous, insofar
 17 as Mr. O'Brien is an individual to whom revenue information is inapplicable. Mr.
 18 O'Brien further objects to this Interrogatory as oppressive, burdensome, and harassing
 19 to the extent it seeks information not kept in the ordinary course of business. Mr.
 20 O'Brien further objects to this Interrogatory to the extent that the financial
 21 information sought in this Interrogatory is irrelevant to Plaintiff's claim for alleged
 22 damages as to four one-liner jokes. Mr. O'Brien further objects to this Interrogatory
 23 as overbroad, unduly burdensome, and harassing to the extent the proposed discovery
 24 seeks financial information which is not relevant to any party's claim or defense and
 25 is not proportional to the needs of the case, especially to the extent the Interrogatory
 26 relates to financial information not attributable to any alleged infringement. Mr.
 27 O'Brien further objects to this Interrogatory to the extent it seeks the identification of
 28 "all documents" and not information proportional to the needs of this case. Mr.

O'Brien further objects to the extent that it seeks the identification of confidential information prior to the entry of a suitable protective order in this case. Mr. O'Brien further objects to this Interrogatory to the extent it seeks personal financial information subject to the attorney-client privilege, the attorney work-product doctrine, the joint-defense and/or common interest privilege, the right of privacy, or any other applicable privileges. Mr. O'Brien further objects to this Interrogatory to the extent it purports to require the identification of documents from sources that are not reasonably accessible because of undue burden and cost.

DATED: April 18, 2016

GLASER WEIL FINK HOWARD
AVCHEN & SHAPIRO LLP

By: /s/ Erica J. Van Loon

PATRICIA L. GLASER

ERICA J. VAN LOON

BRITTANY ELIAS

Attorneys for Defendants

GlaserWeil

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 10250 Constellation Boulevard, 19th Floor, Los Angeles, California 90067.

On April 18, 2016, I served the foregoing document(s) described as: **CONAN O'BRIEN'S OBJECTIONS AND RESPONSE TO PLAINTIFF'S INTERROGATORIES (SET ONE)** on the interested parties to this action at the following address(es):

SEE ATTACHED LIST

☐ **(BY MAIL)** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

☐ **(BY ELECTRONIC SERVICE)** by causing the foregoing document(s) to be electronically filed using the Court's Electronic Filing System which constitutes service of the filed document(s) on the individual(s) listed on the attached mailing list.

☒ **(BY E-MAIL SERVICE)** I caused such document to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.

☐ **(BY OVERNIGHT DELIVERY)** I served the foregoing document by FedEx, an express service carrier which provides overnight delivery, as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.

☐ **(BY FACSIMILE)** I caused the above-referenced document to be transmitted to the interested parties via facsimile transmission to the fax number(s) as stated on the attached service list.

☐ **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the above named addressee(s).

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on April 18, 2016, at Los Angeles, California.

/s/ Nicholas E. Huskins
Nicholas E. Huskins

GlaserWeil

SERVICE LIST

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Attorney for Plaintiff
Robert Alexander Kaseberg

Exhibit 13

GlaserWeil

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 GLASER WEIL FINK HOWARD
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 Los Angeles, California 90067
 Telephone: (310) 553-3000
 Facsimile: (310) 556-2920
Attorneys for Defendants

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

ROBERT ALEXANDER KASEBERG,

Plaintiff,

v.

CONACO, LLC, TURNER
 BROADCASTING SYSTEM, TIME
 WARNER, INC., CONAN O'BRIEN,
 JEFF ROSS, MIKE SWEENEY; DOES
 1-50, inclusive,

Defendants.

CASE NO.: 15-CV-01637-JLS-DHB

Hon. Janis L. Sammartino

**JEFF ROSS' OBJECTIONS AND
 RESPONSE TO PLAINTIFF'S
 INTERROGATORIES (SET ONE)**

PROPOUNDING PARTY: ROBERT ALEXANDER KASEBERG

RESPONDING PARTY: JEFF ROSS

SET NO.: ONE

Pursuant to Fed. R. Civ. P. 26 and 33, Defendant Jeff Ross ("Mr. Ross") hereby answers, objects, or otherwise responds to Plaintiff Robert Alexander Kaseberg's ("Plaintiff" or "Kaseberg") First Set of Interrogatories. Mr. Ross expressly reserves the right to supplement, amend, or correct these responses.

PRELIMINARY STATEMENT

These responses are made solely for the purpose of this action. Each answer is subject to all objections as to competence, relevance, materiality, propriety and admissibility, and any and all other objections and grounds which would require the exclusion of any statement herein if the Interrogatories were asked of, or any statements contained herein were made by, a witness present and testifying in Court, all of which objections and grounds are reserved and may be interposed at the time of trial.

Mr. Ross has not completed his investigation of the facts relating to this case and has not completed his preparation for trial. The following responses are based upon information presently available to Mr. Ross and are made without prejudice to Mr. Ross of the right to utilize subsequently discovered facts.

Except for explicit facts admitted herein, no incidental or implied admissions are intended hereby. The fact that Mr. Ross has answered any interrogatories should not be taken as an admission that Mr. Ross accepts or admits the existence of any facts set forth or assumed by such interrogatory, or that such response constitutes admissible evidence. The fact that Mr. Ross has answered part or all of any interrogatory is not intended and shall not be construed to be a waiver by Mr. Ross of all or any part of any objection to any interrogatory.

The Preliminary Statement is incorporated into each of the responses set forth below.

GENERAL OBJECTIONS

Mr. Ross generally objects to these Interrogatories on each and every one of the following grounds, which are incorporated into and made a part of Mr. Ross' response to each and every Interrogatory:

1. Mr. Ross objects to the extent the Interrogatories seek to impose obligations upon Mr. Ross not required by the Federal Rules of Civil Procedure, the Local Rules for the United States District Court for the Southern District of California

1 (“Local Rules”), or the Orders of this Court. Mr. Ross’ responses shall be controlled
2 by and comply with the requirements of the Federal Rules, the Local Rules, and the
3 Orders of this Court.

4 2. Mr. Ross objects to extent the Interrogatories seek information not
5 relevant to any claim or defense of a party, and expressly reserves all rights to
6 withhold information or documents on that basis alone or in conjunction with other
7 bases set forth herein.

8 3. Mr. Ross objects to the extent the Interrogatories are vague, ambiguous,
9 and incomprehensible. As drafted, the Interrogatories could require responses and/or
10 the production of documents that have no relationship to the facts and issues in
11 dispute and which are not reasonably calculated to lead to the discovery of admissible
12 evidence.

13 4. Mr. Ross objects to the Interrogatories and their accompanying
14 “Definitions” and “Instructions” as overly broad and unduly burdensome to the extent
15 that they seek information that exceeds the permissible scope of discovery and
16 information or documents that are neither relevant nor proportional to the needs of the
17 case.

18 5. Mr. Ross objects to the extent the Interrogatories call for information
19 which is confidential and proprietary, including trade secrets and sensitive financial
20 information, prior to the entry of a protective order in this action.

21 6. Mr. Ross objects to the extent the Interrogatories seek information which
22 is publicly available and/or equally available to Plaintiff and the burden of obtaining
23 the responsive information is substantially the same for Plaintiff as it is for Mr. Ross.

24 7. Mr. Ross objects to the extent the Interrogatories are unreasonably
25 duplicative in nature, and/or designed to harass and increase costs, rather than reflect
26 a good faith effort at seeking relevant evidence.

27 8. Mr. Ross objects to the extent the Interrogatories call for the disclosure
28 of information subject to the attorney-client privilege, the attorney work-product

1 doctrine, the joint-defense and/or common interest privilege, the right of privacy, or
 2 any other applicable privileges. Such information or documents shall not be provided
 3 in response to these interrogatories, and any inadvertent disclosure or production
 4 thereof shall not be deemed a waiver of any privilege or protection with respect to
 5 such information or documents.

6 9. Mr. Ross objects to the extent the Interrogatories seek documents or
 7 information from sources that are not reasonably accessible because of undue burden
 8 and cost.

9 10. Mr. Ross objects to the definition of “YOU” and “YOUR” as vague,
 10 ambiguous, overbroad, unduly burdensome, not relevant, and not likely to lead to the
 11 discovery of admissible evidence, to the extent they purport to require Mr. Ross to
 12 respond on behalf of persons or entities other than Mr. Ross. For purposes of his
 13 responses herein, Mr. Ross will interpret “YOU” and “YOUR” to refer solely to Jeff
 14 Ross, the individual.

15 RESPONSES TO SPECIAL INTERROGATORIES

16 SPECIAL INTERROGATORY NO. 1:

17 Please IDENTIFY YOUR annual gross revenues in 2015.

18 RESPONSE TO SPECIAL INTERROGATORY NO. 1:

19 Mr. Ross incorporates by reference each of the foregoing General Objections as
 20 if fully set forth herein. Mr. Ross objects to the definition of “YOUR” as overbroad
 21 and vague and ambiguous. Mr. Ross will interpret “YOUR” to refer solely to Jeff
 22 Ross, the individual. Mr. Ross further objects to the undefined term “annual gross
 23 revenues” as vague and ambiguous, insofar as Mr. Ross is an individual to whom
 24 revenue information is inapplicable. Mr. Ross further objects to this Interrogatory as
 25 oppressive, burdensome, and harassing to the extent it seeks financial information not
 26 kept in the ordinary course of business. Mr. Ross further objects to this Interrogatory
 27 to the extent that the financial information sought in this Interrogatory is irrelevant to
 28 Plaintiff’s claim for alleged damages as to four one-liner jokes. Mr. Ross further

objects to this Interrogatory as overbroad, unduly burdensome, and harassing to the extent the proposed discovery seeks financial information which is not relevant to any party's claim or defense and is not proportional to the needs of the case, especially to the extent the Interrogatory relates to financial information not attributable to any alleged infringement. Mr. Ross further objects to this Interrogatory as seeking confidential financial information prior to the entry of a suitable protective order in this action. Mr. Ross further objects to this Interrogatory to the extent it seeks personal financial information subject to the attorney-client privilege, the attorney work-product doctrine, the joint-defense and/or common interest privilege, the right of privacy, or any other applicable privileges.

INTERROGATORY NO. 2:

Please IDENTIFY ALL WITNESSES and PERSONS who calculate and/or determine YOUR annual gross revenues in 2015.

RESPONSE TO INTERROGATORY NO. 2:

Mr. Ross incorporates by reference each of the foregoing General Objections as if fully set forth herein. Mr. Ross objects to the definition of "YOUR" as overbroad and vague and ambiguous. Mr. Ross will interpret "YOUR" to refer solely to Jeff Ross, the individual. Mr. Ross further objects to the undefined term "annual gross revenues" as vague and ambiguous, insofar as Mr. Ross is an individual to whom revenue information is inapplicable. Mr. Ross further objects to this Interrogatory as oppressive, burdensome, and harassing to the extent it seeks information not kept in the ordinary course of business. Mr. Ross further objects to this Interrogatory to the extent that the financial information sought in this Interrogatory is irrelevant to Plaintiff's claim for alleged damages as to four one-liner jokes. Mr. Ross further objects to this Interrogatory as overbroad, unduly burdensome, and harassing to the extent the proposed discovery seeks financial information which is not relevant to any party's claim or defense and is not proportional to the needs of the case, especially to the extent the Interrogatory relates to financial information not attributable to any

1 **alleged infringement.** Mr. Ross further objects to this Interrogatory to the extent that
 2 it seeks information about the identities of individual non-parties, the disclosure of
 3 which may lead to the invasion of privacy, harassment, or unnecessary involvement
 4 of individuals who are non-parties.

5 **INTERROGATORY NO. 3:**

6 **Please IDENTIFY ALL DOCUMENTS that RELATE TO YOUR annual gross**
 7 **revenues in 2015.**

8 **RESPONSE TO INTERROGATORY NO. 3:**

9 Mr. Ross incorporates by reference each of the foregoing General Objections as
 10 if fully set forth herein. Mr. Ross objects to the definition of “YOUR” as overbroad
 11 and vague and ambiguous. Mr. Ross will interpret “YOUR” to refer solely to Jeff
 12 Ross, the individual. **Mr. Ross further objects to undefined term “annual gross**
 13 **revenues” as vague and ambiguous, insofar as Mr. Ross is an individual to whom**
 14 **revenue information is inapplicable.** Mr. Ross further objects to this Interrogatory as
 15 oppressive, burdensome, and harassing to the extent it seeks information not kept in
 16 the ordinary course of business. **Mr. Ross further objects to this Interrogatory to the**
 17 **extent that the financial information sought in this Interrogatory is irrelevant to**
 18 **Plaintiff’s claim for alleged damages as to four one-liner jokes. Mr. Ross further**
 19 **objects to this Interrogatory as overbroad, unduly burdensome, and harassing to the**
 20 **extent the proposed discovery seeks financial information which is not relevant to any**
 21 **party’s claim or defense and is not proportional to the needs of the case, especially to**
 22 **the extent the Interrogatory relates to financial information not attributable to any**
 23 **alleged infringement.** Mr. Ross further objects to this Interrogatory to the extent it
 24 seeks the identification of “all documents” and not information proportional to the
 25 needs of this case. Mr. Ross further objects to the extent that it seeks the
 26 identification of confidential information prior to the entry of a suitable protective
 27 order in this case. Mr. Ross further objects to this Interrogatory to the extent it seeks
 28 personal financial information subject to the attorney-client privilege, the attorney

1 work-product doctrine, the joint-defense and/or common interest privilege, the right
2 of privacy, or any other applicable privileges. Mr. Ross further objects to this
3 Interrogatory to the extent it purports to require the identification of documents from
4 sources that are not reasonably accessible because of undue burden and cost.

5
6 DATED: April 18, 2016

GLASER WEIL FINK HOWARD
AVCHEN & SHAPIRO LLP

7
8
9 By: /s/ Erica J. Van Loon

PATRICIA L. GLASER

ERICA J. VAN LOON

BRITTANY ELIAS

Attorneys for Defendants

GlaserWeil

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 10250 Constellation Boulevard, 19th Floor, Los Angeles, California 90067.

On April 18, 2016, I served the foregoing document(s) described as: **JEFF ROSS' OBJECTIONS AND RESPONSE TO PLAINTIFF'S INTERROGATORIES (SET ONE)** on the interested parties to this action at the following address(es):

SEE ATTACHED LIST

☐ **(BY MAIL)** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

☐ **(BY ELECTRONIC SERVICE)** by causing the foregoing document(s) to be electronically filed using the Court's Electronic Filing System which constitutes service of the filed document(s) on the individual(s) listed on the attached mailing list.

☒ **(BY E-MAIL SERVICE)** I caused such document to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.

☐ **(BY OVERNIGHT DELIVERY)** I served the foregoing document by FedEx, an express service carrier which provides overnight delivery, as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.

☐ **(BY FACSIMILE)** I caused the above-referenced document to be transmitted to the interested parties via facsimile transmission to the fax number(s) as stated on the attached service list.

☐ **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the above named addressee(s).

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on April 18, 2016, at Los Angeles, California.

/s/ Nicholas E. Huskins
Nicholas E. Huskins

GlaserWeil

SERVICE LIST

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Attorney for Plaintiff
Robert Alexander Kaseberg

Exhibit 14

GlaserWeil

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 ERICA J. VAN LOON - State Bar No. 227712
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 BRITTANY ELIAS - State Bar No. 305922
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 GLASER WEIL FINK HOWARD
 AVCHEN & SHAPIRO LLP
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 Los Angeles, California 90067
 Telephone: (310) 553-3000
 Facsimile: (310) 556-2920
 Attorneys for Defendant CONACO, LLC

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

ROBERT ALEXANDER KASEBERG,

Plaintiff,

v.

CONACO, LLC, TURNER
 BROADCASTING SYSTEM, TIME
 WARNER, INC., CONAN O'BRIEN,
 JEFF ROSS, MIKE SWEENEY; DOES
 1-50, inclusive,

Defendants.

CASE NO.: 15-CV-01637-JLS-DHB

Hon. Janis L. Sammartino

**CONACO, LLC'S OBJECTIONS
 AND RESPONSE TO
 PLAINTIFF'S REQUEST FOR
 PRODUCTION OF DOCUMENTS
 AND THINGS (SET ONE)**

PROPOUNDING PARTY: ROBERT ALEXANDER KASEBERG

RESPONDING PARTY: CONACO, LLC

SET NO.: ONE

Pursuant to Fed. R. Civ. P. 26 and 34, Conaco, LLC ("Conaco") hereby provides its objections and responses to Plaintiff, Robert Alexander Kaseberg's ("Plaintiff" or "Kaseberg") Request for Production of Documents and Things (Set One) as follows:

PRELIMINARY STATEMENT

In responding to the document requests, Conaco will endeavor to produce those responsive documents presently known by or available to Conaco which are not privileged or otherwise protected from disclosure. However, the discovery, investigation and preparation for trial of Conaco with respect to this action have not been completed as of the date of these responses. Conaco anticipates that ongoing discovery and investigation may uncover documents not presently known but upon which they necessarily will rely in this action. Consequently, the responses contained herein are not intended to and shall not preclude Conaco from relying upon documents uncovered during ongoing discovery and investigation related to this action, whether or not identified or produced herein. As discovery is ongoing and continuing with respect to each of the categories of documents sought by the document requests, Conaco reserves the right to supplement and/or amend these responses to the document requests at any time up to and including the trial of this action.

GENERAL OBJECTIONS

Conaco's responses are subject to the following General Objections, which are incorporated into each and every response as though fully set forth herein:

1. Conaco objects to these Requests to the extent that they call for the production of documents protected by the attorney-client privilege, the attorney work-product doctrine, the joint-defense and/or common interest privilege, the right of privacy, or any other applicable privileges. Any inadvertent production of such information shall not be deemed to waive any privilege with respect to such information or any work product doctrine which may attach thereto.

2. Conaco objects to these Requests to the extent they seek to impose obligations upon Conaco not required by the Federal Rules of Civil Procedure, the Local Rules for the United States District Court for the Southern District of California ("Local Rules"), or the Orders of this Court. Conaco's responses shall be controlled

1 and comply with the Federal Rules of Civil Procedure, the Local Rules, and the
2 Orders of the Court, and not necessarily by Plaintiff's instructions or definitions.

3 3. Conaco objects to these Requests and their accompanying Definitions
4 and Instructions as overly broad and unduly burdensome to the extent that they seek
5 information that exceeds the permissible scope of discovery and seek documents that
6 are neither relevant nor reasonably calculated to lead to the discovery of admissible
7 evidence.

8 4. Conaco objects to these Requests on the grounds that the burden and
9 expense of responding outweighs the likelihood that the information sought may lead
10 to the discovery of admissible evidence and the collection of this information is
11 unreasonably or unduly burdensome, given the needs of the case, the parties'
12 resources, the importance of the discovery in resolving the issues and the availability
13 of alternative, less burdensome or expensive means of obtaining the same or similar
14 information.

15 5. Conaco objects to these Requests to the extent they seek production of
16 documents not relevant to any party's claims or defenses or proportional to the needs
17 of the case, and expressly reserves all rights to withhold documents on that basis
18 alone or in conjunction with other bases set forth herein.

19 6. Conaco objects to these Requests to the extent they call for the
20 production of documents and information not kept by Conaco in the ordinary course
21 of business.

22 7. Conaco objects to these Requests to the extent they seek documents in
23 the possession or control of individuals or entities other than Conaco.

24 8. Conaco objects to these Requests to the extent they are unreasonably
25 duplicative in nature, and designed to harass and increase costs, rather than reflect a
26 good faith effort at seeking relevant evidence.

27 9. Conaco objects to these Requests to the extent that they call for
28 information which is confidential, commercially sensitive, or which constitute

1 financial or proprietary information or trade secrets or which are otherwise protected
 2 from disclosure by law or contract. To the extent Conaco agrees to produce
 3 confidential information, it will do so only pursuant to the entry of a suitable
 4 protective order in this action.

5 10. Conaco objects to these Requests to the extent it calls for production of
 6 documents that are not relevant to the subject matter involved in the pending action.

7 11. Conaco objects to these Requests to the extent that they call for Conaco
 8 to create compilations of material or calls for matters to be produced in a form or
 9 manner other than that kept by Conaco in the usual course of business.

10 12. Conaco objects to these Requests to the extent they seek documents or
 11 information which are subject to certain confidentiality provisions between Conaco
 12 and/or its affiliated companies and/or others and which may not be disclosed absent
 13 the consent of the parties to such contracts.

14 13. Conaco objects to these Requests to the extent that they prematurely call
 15 for the production of documents and things ahead of the schedules established by the
 16 Federal Rules of Civil Procedure, the Local Rules, and the Orders of the Court.

17 14. Conaco objects to Plaintiff's definition of "YOU" and "YOUR" as
 18 vague, ambiguous, overbroad, unduly burdensome, not relevant, not likely to lead to
 19 the discovery of admissible evidence, and disproportionate to the needs of this case,
 20 to the extent it purports to require Conaco to respond on behalf of persons or entities
 21 other than Conaco. For purposes of its responses herein, Conaco will interpret
 22 "YOU" and "YOUR" to refer solely to Conaco, LLC and those documents or
 23 information in its possession, custody, or control.

24 15. Each and every general objection above is incorporated into each
 25 response below.

26 **RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS**
 27 **REQUEST FOR PRODUCTION NO. 1:**

28 ANY and ALL DOCUMENTS, tangible things and other items that support,

1 refute or in ANY way RELATE TO YOUR DENIAL of the allegations in the
2 COMPLAINT.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

4 Conaco incorporates by reference each of the foregoing General Objections.
5 Conaco objects to this Request to the extent it seeks information protected under the
6 attorney-client privilege, the attorney work-product doctrine, the joint-defense and/or
7 common interest privilege, or any other applicable privileges. Conaco further objects
8 to the definition of “YOUR” as overbroad and vague and ambiguous. Conaco will
9 interpret “YOUR” to refer to Conaco, LLC and its directors, officers, and employees
10 only. Conaco further objects to this Request as vague, ambiguous, overbroad, and
11 unduly burdensome to the extent it seeks information not relevant to any party’s
12 claims or defenses or proportional to the needs of this case. Conaco further objects to
13 this Request as overly broad and unduly burdensome to the extent it seeks “any and
14 all documents” relating to Conaco’s denial of the allegations in the Complaint,
15 including those documents that are duplicative or redundant and/or documents that
16 are not relevant to any party’s claim or defense and not proportional to the needs of
17 the case. Conaco further objects to this Request to the extent it seeks documents that
18 are either publicly available or equally available to Plaintiff, and the burden of
19 obtaining the responsive information is substantially the same for Plaintiff as it is for
20 Conaco. Conaco further objects to this Request to the extent it seeks documents
21 previously produced to Plaintiff and/or already within his possession, custody, or
22 control.

23 Subject to and without waiving the foregoing general and specific objections,
24 and subject to Conaco’s understanding of this Request, Conaco responds as follows:
25 Conaco is conducting a reasonable search and will produce relevant and non-
26 privileged documents within its possession responsive to this Request within thirty
27 (30) days after the entry of a protective order in this action, to the extent such
28 documents may exist and have not already been produced. Conaco is not withholding

1 any non-privileged documents from production on the basis of these objections.

2 **REQUEST FOR PRODUCTION NO. 2:**

3 ANY and ALL DOCUMENTS that support, refute or RELATE TO ANY and
4 ALL affirmative defenses in your Answer.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

6 Conaco incorporates by reference each of the foregoing General Objections.
7 Conaco objects to this Request to the extent it seeks information protected under the
8 attorney-client privilege, the attorney work-product doctrine, the joint-defense and/or
9 common interest privilege, or any other applicable privileges. Conaco further objects
10 to the definition of “YOUR” as overbroad and vague and ambiguous. Conaco will
11 interpret “YOUR” to refer to Conaco, LLC and its directors, officers, and employees
12 only. Conaco further objects to this Request as vague, ambiguous, overbroad, and
13 unduly burdensome to the extent it seeks information not relevant to any party’s
14 claims or defenses or proportional to the needs of this case. Conaco further objects to
15 this Request as overly broad and unduly burdensome to the extent it seeks “any and
16 all documents” relating to Conaco’s affirmative defenses, including those documents
17 that are duplicative or redundant and/or documents that are not relevant to any party’s
18 claim or defense and not proportional to the needs of the case. Conaco further objects
19 to this Request to the extent it seeks documents that are either publicly available or
20 equally available to Plaintiff, and the burden of obtaining the responsive information
21 is substantially the same for Plaintiff as it is for Conaco. Conaco further objects to
22 this Request to the extent it seeks documents previously produced to Plaintiff and/or
23 already within his possession, custody, or control.

24 Subject to and without waiving the foregoing general and specific objections,
25 and subject to Conaco’s understanding of this Request, Conaco responds as follows:
26 Conaco is conducting a reasonable search and will produce relevant and non-
27 privileged documents within its possession responsive to this Request within thirty
28 (30) days after the entry of a protective order in this action, to the extent such

documents may exist and have not already been produced. Conaco is not withholding any non-privileged documents from production on the basis of these objections.

REQUEST FOR PRODUCTION NO. 3:

ANY and ALL DOCUMENTS, tangible things and other items that RELATE TO YOUR annual gross revenues in 2015.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Conaco incorporates by reference each of the foregoing General Objections. Conaco objects to this Request to the extent it seeks information protected under the attorney-client privilege, the attorney work-product doctrine, the joint-defense and/or common interest privilege, or any other applicable privileges. Conaco further objects to the definition of “YOUR” as overbroad and vague and ambiguous. Conaco will interpret “YOUR” to refer to Conaco, LLC and its directors, officers, and employees only. Conaco further objects to the undefined term “annual gross revenues” as vague and ambiguous in that it fails to specifically identify the revenue information to which this Request relates. Conaco further objects to this Request as Conaco’s annual gross revenues are irrelevant to Plaintiff’s claim for alleged damages as to four one-liner jokes. Conaco further objects to this Request as overbroad, unduly burdensome, and harassing to the extent the proposed discovery seeks financial information which is not relevant to any party’s claim or defense and is not proportional to the needs of the case, especially to the extent the Request seeks revenue information not attributable to any alleged infringement. Conaco further objects to this Request as overly broad and unduly burdensome to the extent it seeks “any and all documents” relating to Conaco’s annual gross revenues in 2015, including those documents that are duplicative or redundant and/or documents that are not relevant to any party’s claim or defense and not proportional to the needs of the case. Conaco further objects to this Request to the extent it seeks confidential information prior to the entry of a suitable protective order in this case. Conaco further objects to this Request to the extent it seeks documents or information which are subject to certain confidentiality

1 provisions between Conaco and/or its affiliated companies and/or others and which
 2 may not be disclosed absent the consent of the parties to such contracts. Conaco
 3 further objects to this Request to the extent it seeks documents or information from
 4 sources that are not reasonably accessible because of undue burden and cost.

5 Subject to and without waiving the foregoing general and specific objections,
 6 and subject to Conaco's understanding of this Request, Conaco responds as follows:
 7 Conaco intends to withhold documents based on its objections, including specifically
 8 withholding those documents not relevant to any claims or defenses in this litigation.

9 **REQUEST FOR PRODUCTION NO. 4:**

10 **ANY and ALL DOCUMENTS, tangible things and other items that RELATE**
 11 **TO YOUR annual net profits in 2015.**

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

13 Conaco incorporates by reference each of the foregoing General Objections.
 14 Conaco objects to this Request to the extent it seeks information protected under the
 15 attorney-client privilege, the attorney work-product doctrine, the joint-defense and/or
 16 common interest privilege, or any other applicable privileges. Conaco further objects
 17 to the definition of "YOUR" as overbroad and vague and ambiguous. Conaco will
 18 interpret "YOUR" to refer to Conaco, LLC and its directors, officers, and employees
 19 only. Conaco further objects to the undefined term "annual net profits" as vague and
 20 ambiguous in that it fails to specifically identify the profit information to which this
 21 Request relates. **Conaco further objects to this Request as Conaco's annual net profits**
 22 **are irrelevant to Plaintiff's claim for alleged damages as to four one-liner jokes.**
 23 **Conaco further objects to this Request as overbroad, unduly burdensome, and**
 24 **harassing to the extent the proposed discovery seeks financial information which is**
 25 **not relevant to any party's claim or defense and is not proportional to the needs of the**
 26 **case, especially to the extent the Request seeks profit information not attributable to**
 27 **any alleged infringement.** Conaco further objects to this Request as overly broad and
 28 unduly burdensome to the extent it seeks "any and all documents" relating to

Conaco's annual net profits in 2015, including those documents that are duplicative or redundant and/or documents that are not relevant to any party's claim or defense and not proportional to the needs of the case. Conaco further objects to this Request to the extent it seeks confidential information prior to the entry of a suitable protective order in this case. Conaco further objects to this Request to the extent it seeks documents or information which are subject to certain confidentiality provisions between Conaco and/or its affiliated companies and/or others and which may not be disclosed absent the consent of the parties to such contracts. Conaco further objects to this Request to the extent it seeks documents or information from sources that are not reasonably accessible because of undue burden and cost.

Subject to and without waiving the foregoing general and specific objections, and subject to Conaco's understanding of this Request, Conaco responds as follows: Conaco intends to withhold documents based on its objections, including specifically withholding those documents not relevant to any claims or defenses in this litigation.

REQUEST FOR PRODUCTION NO. 5:

ANY and ALL DOCUMENTS, tangible things and other items that RELATE TO amount paid to each writer — whether staff, contract, or writers for the "CONAN" show in 2015.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Conaco incorporates by reference each of the foregoing General Objections. Conaco objects to this Request to the extent it seeks personal financial information subject to the attorney-client privilege, the attorney work-product doctrine, the right of privacy, or any other applicable privileges. Conaco further objects to this Request as overbroad, unduly burdensome, and harassing to the extent the Request seeks information which is not relevant to any party's claim or defense and is not proportional to the needs of the case, especially to the extent the Request is not limited in scope to those writers that wrote, created or edited the jokes specifically identified in the Complaint. Conaco further objects that the amounts paid to the

writers of the “Conan” show in 2015 are irrelevant to Plaintiff’s claim for alleged damages as to four one-liner jokes. Conaco further objects to this Request as overly broad and unduly burdensome to the extent it seeks “any all documents” relating to the amount paid to “Conan” show writers in 2015, including those documents that are duplicative or redundant and/or documents that are not relevant to any party’s claim or defense and not proportional to the needs of the case. Conaco further objects to this Request to the extent it seeks confidential information prior to the entry of a suitable protective order in this case.

Subject to and without waiving the foregoing general and specific objections, and subject to Conaco’s understanding of this Request, Conaco responds as follows: Conaco intends to withhold documents based on its objections, including specifically withholding those documents not relevant to any claims or defenses in this litigation.

REQUEST FOR PRODUCTION NO. 6:

ANY and ALL DOCUMENTS, including any and all emails, involving JOSH COMERS regarding any and all jokes MR. COMERS submitted to you for use on the “CONAN” show monologue in the last three years.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Conaco incorporates by reference each of the foregoing General Objections. Conaco objects to this Request to the extent it seeks information protected under the attorney-client privilege, the attorney work-product doctrine, the joint-defense and/or common interest privilege, or any other applicable privileges. Conaco further objects to the definition of “YOU” as overbroad and vague and ambiguous. Conaco will interpret “YOU” to refer to Conaco, LLC and its directors, officers, and employees only. Conaco further objects to this Request as overbroad, unduly burdensome, and harassing to the extent the Request seeks information which is not relevant to any party’s claim or defense and is not proportional to the needs of the case, especially to the extent the Request is not limited in scope to those jokes that are specifically identified in the Complaint. Conaco further objects to this Request to the extent it

1 calls for the production of information not kept by Conaco in the ordinary course of
 2 business. Conaco further objects to this Request to the extent it seeks confidential
 3 information prior to the entry of a suitable protective order in this case. Conaco
 4 further objects to this Request to the extent it seeks documents or information from
 5 sources that are not reasonably accessible because of undue burden and cost.

6 Subject to and without waiving the foregoing general and specific objections,
 7 and subject to Conaco's understanding of this Request, Conaco responds as follows:

8 Conaco is conducting a reasonable search and will produce relevant and non-
 9 privileged documents within its possession concerning Josh Comers and the jokes at
 10 issue within thirty (30) days after the entry of a protective order in this action, to the
 11 extent such documents may exist and have not already been produced. Conaco is not
 12 withholding any non-privileged documents from production on the basis of these
 13 objections.

14 **REQUEST FOR PRODUCTION NO. 7:**

15 ANY and ALL DOCUMENTS, including any and all emails, involving
 16 BRIAN KILEY (sic) regarding any and all jokes MR. KILEY (sic) submitted to you
 17 for use on the "CONAN" show monologue in the last three years.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

19 Conaco incorporates by reference each of the foregoing General Objections.
 20 Conaco objects to this Request to the extent it seeks information protected under the
 21 attorney-client privilege, the attorney work-product doctrine, the joint-defense and/or
 22 common interest privilege, or any other applicable privileges. Conaco further objects
 23 to the definition of "YOU" as overbroad and vague and ambiguous. Conaco will
 24 interpret "YOU" to refer to Conaco, LLC and its directors, officers, and employees
 25 only. Conaco further objects to this Request as overbroad, unduly burdensome, and
 26 harassing to the extent the Request seeks information which is not relevant to any
 27 party's claim or defense and is not proportional to the needs of the case, especially to
 28 the extent the Request is not limited in scope to those jokes that are specifically

1 identified in the Complaint. Conaco further objects to this Request to the extent it
 2 calls for the production of information not kept by Conaco in the ordinary course of
 3 business. Conaco further objects to this Request to the extent it seeks confidential
 4 information prior to the entry of a suitable protective order in this case. Conaco
 5 further objects to this Request to the extent it seeks documents or information from
 6 sources that are not reasonably accessible because of undue burden and cost.

7 Subject to and without waiving the foregoing general and specific objections,
 8 and subject to Conaco's understanding of this Request, Conaco responds as follows:

9 Conaco is conducting a reasonable search and will produce relevant and non-
 10 privileged documents within its possession concerning Brian Kiley and the jokes at
 11 issue within thirty (30) days after the entry of a protective order in this action, to the
 12 extent such documents may exist and have not already been produced. Conaco is not
 13 withholding any non-privileged documents from production on the basis of these
 14 objections.

15 **REQUEST FOR PRODUCTION NO. 8:**

16 ANY and ALL DOCUMENTS, including any and all emails, involving ROB
 17 KUTNER regarding any and all jokes MR. KUTNER submitted to you for use on the
 18 "CONAN" show monologue in the last three years.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

20 Conaco incorporates by reference each of the foregoing General Objections.
 21 Conaco objects to this Request to the extent it seeks information protected under the
 22 attorney-client privilege, the attorney work-product doctrine, the joint-defense and/or
 23 common interest privilege, or any other applicable privileges. Conaco further objects
 24 to the definition of "YOU" as overbroad and vague and ambiguous. Conaco will
 25 interpret "YOU" to refer to Conaco, LLC and its directors, officers, and employees
 26 only. Conaco further objects to this Request as overbroad, unduly burdensome, and
 27 harassing to the extent the Request seeks information which is not relevant to any
 28 party's claim or defense and is not proportional to the needs of the case, especially to

GlaserWeil

1 the extent the Request is not limited in scope to those jokes that are specifically
 2 identified in the Complaint. Conaco further objects to this Request to the extent it
 3 calls for the production of information not kept by Conaco in the ordinary course of
 4 business. Conaco further objects to this Request to the extent it seeks confidential
 5 information prior to the entry of a suitable protective order in this case. Conaco
 6 further objects to this Request to the extent it seeks documents or information from
 7 sources that are not reasonably accessible because of undue burden and cost.

8 Subject to and without waiving the foregoing general and specific objections,
 9 and subject to Conaco's understanding of this Request, Conaco responds as follows:

10 Conaco is conducting a reasonable search and will produce relevant and non-
 11 privileged documents within its possession concerning Rob Kutner and the jokes at
 12 issue within thirty (30) days after the entry of a protective order in this action, to the
 13 extent such documents may exist and have not already been produced. Conaco is not
 14 withholding any non-privileged documents from production on the basis of these
 15 objections.

16
 17 DATED: April 18, 2016

GLASER WEIL FINK HOWARD
 AVCHEN & SHAPIRO LLP

19 By: /s/ Erica J. Van Loon

20 PATRICIA L. GLASER

21 ERICA J. VAN LOON

22 BRITTANY ELIAS

Attorneys for Defendant CONACO, LLC

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 10250 Constellation Boulevard, 19th Floor, Los Angeles, California 90067.

On April 18, 2016, I served the foregoing document(s) described as: **CONACO, LLC'S OBJECTIONS AND RESPONSE TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS (SET ONE)** on the interested parties to this action at the following address(es):

SEE ATTACHED LIST

- ☐ **(BY MAIL)** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.
- ☐ **(BY ELECTRONIC SERVICE)** by causing the foregoing document(s) to be electronically filed using the Court's Electronic Filing System which constitutes service of the filed document(s) on the individual(s) listed on the attached mailing list.
- ☒ **(BY E-MAIL SERVICE)** I caused such document to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.
- ☐ **(BY OVERNIGHT DELIVERY)** I served the foregoing document by FedEx, an express service carrier which provides overnight delivery, as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.
- ☐ **(BY FACSIMILE)** I caused the above-referenced document to be transmitted to the interested parties via facsimile transmission to the fax number(s) as stated on the attached service list.
- ☐ **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the above named addressee(s).
- ☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- ☒ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on April 18, 2016, at Los Angeles, California.

/s/ Nicholas E. Huskins
Nicholas E. Huskins

SERVICE LIST

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Exhibit 15



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Nicholas E. Huskins

May 9, 2016

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VIA E-MAIL

Jayson M. Lorenzo
2794 Gateway Road
Carlsbad, CA 92009

Re: Robert Alexander Kaseberg v. Conaco, LLC, et al. Case No. 3:15-cv-01637

Dear Mr. Lorenzo,

I write regarding deficiencies in Plaintiff Robert Alexander Kaseberg's ("Plaintiff" or "Kaseberg") responses to Defendant Conaco, LLC's ("Conaco") First Set of Interrogatories, Requests for Production of Documents and Things, and Requests for Admission, served April 25, 2016.

1. Kaseberg's Responses to Conaco's First Set of Interrogatories

Kaseberg's Responses to Conaco's First Set of Interrogatories are deficient, inadequate, and improper. For purposes of the parties' meet and confer, we provide the following summary of certain deficiencies:

Interrogatory Nos. 1 and 6:

Interrogatory No. 1 seeks the time, date, and forum for every instance of *publication* for the jokes at issue. However, Kaseberg's response fails to provide any of the requested information concerning the publication of the jokes. Instead, Kaseberg responds as follows: "Each of Respondent's jokes were *created* at home. Respondent creates the jokes prior to publishing them on the internet." Information identifying exactly where and when each of the jokes at issue were published is crucial in determining the possibility of Defendants' access to Kaseberg's jokes prior to the independent creation of the allegedly infringing jokes featured in the "Conan" show monologue. Thus, this response must be supplemented to sufficiently answer Interrogatory No. 1.

Interrogatory No. 6 asks for all facts relating to Defendants' opportunity to view or copy the jokes at issue. In response, Kaseberg provides, "Respondent maintains a facebook, twitter and blog page that are all publicly available and accessible." However, Kaseberg denied Request for Admission No. 6, which sought an admission that the only evidence of Defendants' access to

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the jokes at issue prior to any alleged infringement was the publication of such on Kaseberg's twitter account, facebook page, or personal online blog. Clearly, the responses to Interrogatory No. 6 and Request for Admission No. 6 are in conflict with each other.

Defendants' access is a critical issue in this litigation. If Kaseberg has additional information of Defendants' opportunity to view the jokes at issue beyond what is provided in his response to Interrogatory No. 6, he must supplement his response to include such information. Alternatively, if Kaseberg has no additional evidence of access beyond the response provided, he must supplement Request for Admission No. 6 to accurately reflect this.

Interrogatory Nos. 2 and 5:

Interrogatory No. 2 seeks the identification of the original and unique components of the jokes at issue that Kaseberg believes Defendants unlawfully copied. Kaseberg responded, "the answer is set forth in Respondent's complaint." First, general references to a pleading are an insufficient answer to an Interrogatory. *See e.g., Guerrero v. McClure*, 2011 WL 4566130, at *6 (E.D. Cal. Sept. 29, 2011) (holding "responses merely referring to the allegations of [plaintiff's] complaint are insufficient" and ordering respondent to supplement their responses); *Pacific Lumber Co. v. National Union Fire Ins. Co.*, 2005 WL 318811, at *4 (N.D. Cal. Jan. 5, 2005) ("[r]esponding to an interrogatory with a reference to another interrogatory or to a document or pleading is improper."); *United States ex rel. O'Connell v. Chapman University*, 245 F.R.D. 646, 650 (C.D. Cal. 2007) ("an interrogatory should be complete in itself and should not refer to the pleadings, or to depositions or other documents, or to other interrogatories"). Moreover, none of the allegations in the Complaint are sufficient to identify the unique and original aspects of Kaseberg's allegedly infringed jokes.

The copyright protected aspects of the jokes at issue are central to Kaseberg's lone claim for copyright infringement. Through initial disclosures, Defendants presented significant evidence of numerous third-parties publishing substantially similar jokes to those in which Kaseberg claims protection. Yet, Kaseberg has yet to provide any information sufficient to identify what aspects of the jokes at issue Kaseberg believes to be unique and original expression sufficient to warrant copyright protection. Thus, Conaco requests Kaseberg supplement his response to Interrogatory No. 2 to describe the alleged copyrighted material, to the extent it exists.

Interrogatory No. 5 asks for *all facts* relating to Kaseberg's ownership of the copyrights related to the jokes at issue. An adequate response to this Interrogatory should include detailed facts and dates for the conception, creation, publication, and exploitation of the jokes at issue. Instead, Kaseberg merely offers "Respondent has registered copyrights for the jokes created."

Again, Kaseberg's ownership of a valid copyright in the jokes at issue are essential to his claim. If Kaseberg intends to rely on additional evidence concerning his creation and ownership of the jokes at issue, such information must be supplemented.

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Interrogatory No. 4

Interrogatory No. 4 asks for the identification of websites and/or news sources that provided the content in which Kaseberg's jokes at issue relate. In response, Kaseberg answered "Discovery is continuing as to specific information sources." Conaco fails to see how additional time and discovery would reveal sources that should already be known to Kaseberg. This information is crucial in analyzing the originality of the jokes at issue. Please supplement your response.

Interrogatory Nos. 7 and 8

Interrogatory No. 7 asks Kaseberg to "[s]tate all facts establishing a chain of events linking the jokes at issue and Defendants' access thereof." Interrogatory No. 8 asks Kaseberg to "[s]tate all facts establishing the jokes at issue have been widely disseminated." In response to each, Kaseberg stated "Respondent cannot provide an intelligent response without speculating as to the meaning of "chain of events" and "widely disseminated", respectively.

First, Instruction No. 3 of the Interrogatories propounded by Conaco on March 24, 2016 clearly provides that "If [Kaseberg] object[s] to any meaning of any term in any interrogatory herein as unclear to [Kaseberg], [Kaseberg] shall assume a reasonable meaning, state what the assumed meaning is, and respond to the request according to the assumed meaning." Kaseberg has failed to comply with this instruction, offering no attempt to apply reasonable meaning to these commonly-used phrases or otherwise provide a narrative response. Kaseberg cannot avoid his discovery obligations by claiming ordinary phrases and terms are "vague" and "ambiguous."

By way of clarity, in the Ninth Circuit circumstantial evidence of reasonable access is proven in one of two ways: (1) a particular *chain of events* is established between the plaintiff's work and the defendant's access to that work (such as through dealings with a publisher or record company); or (2) the plaintiff's work has been *widely disseminated*. See *Three Boys Music Corp. v. Bolton*, 212 F.3d 477, 482 (9th Cir. 2000). Kaseberg should apply the meaning as understood by the Ninth Circuit to the purportedly "vague" and "ambiguous" terms in question, and supplement his response accordingly.

Interrogatory Nos. 10-13

With respect to Interrogatory Nos. 10-13, Kaseberg provides no substantive, narrative response on the basis of objections concerning the privacy rights of third-parties. Conaco notes Defendants have made efforts to enter a protective order in this case to protect the privacy of non-parties. Defendants are willing to continue to work with Kaseberg to ensure the protective order provides adequate protection sufficient to cover responses to these Interrogatories. However, this information is crucial in determining damages, and must be provided. Please supplement these responses.

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Interrogatory Nos. 15 and 16

Interrogatory Nos. 15 and 16 seek the factual basis and grounds for Kaseberg's copyright claim against Defendants, and the support for Kaseberg's contention that the alleged infringement was willful. Despite Kaseberg's boilerplate objections, the Federal Rules and Ninth Circuit have expressly permitted parties to propound such contention interrogatories. *See* Fed. R. Civ. P. 33(c) ("An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact."); *accord O'Connor v. Boeing North America, Inc.*, 185 F.R.D. 272, 281 (C.D. Cal. 1999) (holding contention interrogatories are permissible and acceptable).

In response, Kaseberg offered only "Respondent further objects to this Interrogatory on the basis that it is overbroad, vague and ambiguous and is already contained in Respondent's complaint." Setting aside the improper, boilerplate "overbroad, vague and ambiguous" objections, as previously noted, such a general reference to the complaint is an inadequate Interrogatory response.¹ *See Guerrero*, 2011 WL 4566130, at *6; *Pacific Lumber*, 2005 WL 318811, at *4; *United States ex rel. O'Connell*, 245 F.R.D. at 650; *see also McClellan v. Kern Cty. Sheriff's Office*, 2015 WL 4598871, at *4 (E.D. Cal. July 28, 2015) (holding Interrogatory responses that refer to Plaintiffs' complaint insufficient and ordering respondent to supplement Interrogatory responses).

Thus, Kaseberg's responses to the above-mentioned Interrogatories are evasive, inadequate, and unresponsive. Please supplement these responses such that they provide a complete, narrative response offering the factual basis for the claims, allegations, and contentions advanced by Kaseberg.

2. Kaseberg's Responses to Conaco's First Set of Requests for Production

Kaseberg's Responses to Conaco's First Set of Requests for Production of Documents are deficient and fail to comply with the Federal Rules. For purposes of the parties meet and confer, we provide the following summary of certain deficiencies:

First, under the revised Federal Rule of Civil Procedure 34 ("Rule 34"), a responding party is required to state whether responsive documents will be produced as requested, or in the alternative, state whether "any responsive materials are being withheld" on the basis of a specific objection. Fed. R. Civ. P. 34(b)(2)(C). With respect to Request Nos. 1, 35-36, 38-39, 45-47, and 52, Kaseberg objected but failed to state whether he intends to produce responsive documents. Such a response is improper. Kaseberg must state whether he will produce documents and by when, or indicate if documents are being withheld. Moreover, Kaseberg's responses fail to

¹ Kaseberg's responses to Interrogatory Nos. 2 and 4 also improperly reference the Complaint while failing to provide any additional facts or narrative. These must be supplemented to provide complete, narrative responses.

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indicate whether any responsive materials are being withheld at all. If Kaseberg is withholding any responsive documents, he must affirmatively state so, and identify the specific objection that serves as the basis for such.

Second, the Advisory Committee Notes to the 2015 Amendment of Rule 34 require the responding party to specifically identify a “reasonable time” for the production of responsive documents. Kaseberg indicated he will be producing documents in response to Request Nos. 2-3, 5-34, 37, 40-44, 48-51, and 53-56, but failed to provide any sort of time frame for production, and, to date, has not produced a single document beyond those exchanged through initial disclosures. We request that Kaseberg specify when his production will be completed.

Third, Kaseberg’s responses to Requests Nos. 2 and 41 improperly limit the scope of the documents requested to those that relate only to the jokes at issue. Consistent with the aforementioned requirements of Rule 34, Kaseberg must identify whether any documents are being withheld on the basis of these limitations, and, if so, identify which objection serves as the basis for such.

3. Kaseberg’s Response to Conaco’s First Set of Requests for Admission

Kaseberg’s Responses to Conaco’s First Set of Requests for Admission are deficient and raise questions about the integrity of Kaseberg’s denials. For purposes of the parties’ meet and confer, we provide the following summary of certain deficiencies:

Request for Admission Nos. 2-5 seek an admission that the allegedly infringing jokes purportedly authored by Kaseberg are not identical to the corresponding joke featured in the “Conan” show monologue. This fact is indisputable – a simple review of each will demonstrate the jokes are not word-for-word copies of each other. Nevertheless, Kaseberg denied Requests for Admission Nos. 2-5 after asserting “vague and ambiguous” objections as to the word “identical.”

Request for Admission No. 9 seeks an admission that Kaseberg is aware of numerous third-parties publishing jokes similar to those at issue. Similarly, Request for Admission Nos. 10-13 seek an admission that the third-party tweets attached as Exhibits to the Requests were published prior to Kaseberg’s first publication of the jokes at issue. Again, the timestamps of the tweets attached as Exhibits unquestionably demonstrate that they were published prior to Kaseberg’s own joke on the same topic. Yet, Kaseberg objects to the use of “published” as vague and ambiguous, then denies.

Request for Admission No. 8 seeks an admission “that each and every one of the jokes at issue utilizes a standard, two-line, setup-punchline formula, in which the setup conveys a factual recitation of a then-current event or news story, and the punchline conveys a humorous take on

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the aforementioned current event or news story.” Kaseberg objected to the terms “standard”, “setup”, and “humorous take” before denying.

Conaco’s Requests for Admission included an instruction which provides “If [Kaseberg] object[s] to any meaning of any term in any Request herein as unclear to [Kaseberg], [Kaseberg] shall assume a reasonable meaning, state what the assumed meaning is, and respond to the Request according to the assumed meaning.” Again, Kaseberg made no attempt to comply with this instruction, despite objecting to a particular word or term in his response to each of the aforementioned Requests for Admission. Conaco requests that Kaseberg follow this instruction, and supplement his responses to these requests thusly.

Request for Admission No. 6 seeks an admission that Kaseberg has no evidence of Defendants’ access to Kaseberg’s jokes beyond his publication of such on the Internet. Similarly, Request for Admission No. 7 seeks an admission that Kaseberg and has no personal knowledge of Defendants’ viewing the jokes on the outlets they were published prior to February 4, 2015. Kaseberg denied both. As previously noted, Kaseberg’s denials to these Requests for Admission conflict with his response to Interrogatory No. 6. Kaseberg must supplement his responses to resolve this discrepancy.

For all of the responses detailed in this section, it is unclear whether Kaseberg is specifically denying as to the substance of the request, or merely denying on this basis of his vague and ambiguous objections. If such denials are based on his objections, Kaseberg must explicitly state so, and explain in detail why his denial prevents him from admitting or denying the request as drafted. Fed. R. Civ. P. 36(a)(4) (“If a matter is not admitted, the answer must specifically deny it or state in detail why the answering party cannot truthfully admit or deny it”).

If Kaseberg contends that such denials are not based on his objections, Conaco notes that Federal Rule 36 provides “[a] denial must fairly respond to the substance of the matter; and when good faith requires that a party qualify an answer or deny only a part of a matter, the answer must specify the part admitted and qualify or deny the rest.” *Id.* Further, Rule 36 requires absolute good faith and truthfulness in a response, and any responses which seek to evade or to avoid, short of a frank statement that the party cannot truthfully respond, stating the reasons or grounds therefor, will not be countenanced. *Dulansky v. Iowa-Illinois Gas & Elec. Co.*, 92 F. Supp. 118 (S.D. Iowa 1950). With these rules in mind, and confronted with contradictory information, Conaco requests Kaseberg supplement any response for which he cannot honestly, and in good faith, deny. Absent such, Conaco will pursue a motion seeking a judicial determination of the sufficiency of such responses pursuant to Fed. R. Civ. P. 36(a)(6).

Pursuant to Local Rule Cv 26.1(a), we request to meet and confer on both the discovery issues outlined above as well as the parties’ inability to reach a resolution concerning the protective order. In order to facilitate the production of documents and other discovery, it is imperative we resolve these issues as soon as possible. We hope to resolve all of the

May 9, 2016

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aforementioned issues without intervention from the Court. To that end, please confirm your availability to meet and confer on the above on Thursday, May 12, at 2:30 pm. Otherwise, please provide a time in the next ten days in which you are available.

Sincerely,

A handwritten signature in blue ink, appearing to read "N. Huskins", is positioned above the typed name.

NICHOLAS E. HUSKINS

for GLASER WEIL FINK HOWARD AVCHEN & SHAPIRO LLP

Exhibit 16

JAYSON M. LORENZO

Attorney at Law
2794 Gateway Road, Suite 116
Carlsbad, CA 92009
Telephone (760) 517-6646
Fax (760) 520-7900

May 13, 2016

Nicholas E. Huskins
Glaser Weil Fink Howard Avchen & Shapiro LLP
10250 Constellation Blvd. 19th Floor
Los Angeles, CA 90067

Re: Kasebert v. Conaco, LLC, et al.

Dear Mr. Huskins:

I am in receipt of your letter dated May 9, 2016, addressing your contended deficiencies in my client's responses to Conaco, LLC's First Set of Interrogatories, Requests for Production of Documents and Things, and Requests for Admission, served April 25, 2016. This letter is to address some of the deficiencies I have found with respect to each of Conaco's, Conan O' Brien's, Jeff Ross', Mike Sweeney's, TBS's, and Time Warner's (collectively "Defendants") responses to Plaintiff's Special Interrogatories, Set One, and Plaintiff's Request for Production of Documents and Things, Set One, received on April 18, 2016.

1. Conaco LLC's Responses to Plaintiff's Special Interrogatories, Set One

Conaco LLC's Responses to the following Interrogatories propounded in Plaintiff's Special Interrogatories, Set one are deficient, inadequate, and improper. For purposes of the parties' meet and confer, I provide the following summary of certain deficiencies:

General Objection No. 4/Objection to definition of "YOUR."

In serving its Special Interrogatories, Set One, Plaintiff included an "Instructions" and "Definitions" section. In that definition section, Plaintiff defines "YOUR" to include:

"Defendant individually and collectively, and his or her, its or their affiliates and parent company and anyone acting on their, his or her behalf, including, but not limited to, past and present officers, directors, shareholders, agents, employees, representatives, affiliates, attorneys, accountants, investigators, or anyone else acting in their, his or its interest, on their, her or its behalf, or at their, her or its request, and each of them."

However, In General Objection No. 4, Defendant objects to the definitions and instructions "as overly broad and unduly burdensome to the extent that they seek information that exceeds

the permissible scope of discovery and information or documents that are neither relevant nor proportional to the needs of the case.” In addition, Defendant objects in almost every response to the definition of “YOUR” and seeks to limit the definition to only “Conaco, LLC, and its directors, officers, and employees only.”

This limited definition selected by Defendant does not fully encompass the individuals who may have been involved in the acts as alleged in the complaint. To limit the definition to Defendant’s chosen definition is to leave out former employees, independent contractors, and other agents who may have been involved in the alleged infringing acts.

As you are likely aware, the use of reasonable definitions prefacing a series of interrogatories is not prohibited by the FRCP. *See Diversified Products Corp. v. Sports Center Co.*, 42 F.R.D. 3, 10 (M.D. Dc. 1967). With this in mind, Plaintiff asks Defendant to amend its responses to remove General Objection No. 4, and also remove each objection that seeks to limit Plaintiff’s defined term, “YOUR,” to only Conaco LLC, its directors, officers, and employees.

Interrogatory Nos. 1, 2, and 3

Interrogatory No. 1 asks Defendant to “IDENTIFY YOUR annual gross revenues in 2015.” Defendant objects to this interrogatory on the grounds that:

- 1) The term “annual gross revenues” is vague and ambiguous in that it fails to specifically identify what revenue information it seeks from Conaco;
- 2) Annual gross revenues are irrelevant to Plaintiff’s claim for alleged damages as to four one-liner jokes;
- 3) The interrogatory is overbroad, unduly burdensome, and harassing to the extent the proposed discovery seeks financial information which is not relevant to any party’s claim or defenses and is not proportional to the needs of the case;
- 4) The interrogatory seeks confidential information prior to the entry of a suitable protective order; and
- 5) The interrogatory seeks information which is subject to certain confidentiality provisions between Conaco and/or its affiliated companies which may not be disclosed absent the consent of the parties to such contracts.

Information with respect to Defendant’s annual gross revenues is essential to Plaintiff’s claim for copyright infringement because that information relates to damages, an essential element of Plaintiff’s claim. 17 USC 504(b) states (b) Actual Damages and Profits.— The copyright owner is entitled to recover the actual damages suffered by him or her as a result of the infringement, and any profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages. In establishing the infringer’s profits, the copyright owner is required to present proof only of the infringer’s gross revenue, and the infringer is required to prove his or her deductible expenses and the elements of profit attributable to factors other than the copyrighted work.

My client has the burden of showing your client's gross revenue and your client is required to prove deductible expenses. Thus, financial information is relevant to my client's claim and he is entitled to know what your client's gross revenues are and what your client is

claiming as deductible expenses. Furthermore, the term “annual gross revenues” doesn’t need to be defined. It is simple enough for a lay person to understand, as “annual” means yearly and “gross revenues” means income before expenses. There is no ambiguity in the term. Furthermore, the second and third objections based on relevance are unwarranted, as I have already stated that this information is crucial to proving Plaintiff’s damages. As to the fourth and fifth objections, ones based on confidentiality, as you know we have already met and conferred regarding a proposed protective order. Your office has taken the position that financial information should be for attorneys eyes only. I did not agree based on the 17 USC 504(b). Based on that your office stated it would take it up with the Judge, yet no motion for protective order has been filed. If we cannot agree on the production of documents and you do not file for a protective order I will simply go ahead and file motion to compel.

Interrogatory No. 2 asks Defendants to “identify all witnesses and persons who calculate and/or determine your annual gross revenues in 2015.” Defendant’s objections are essentially the same as those listed in Interrogatory No. 1. Determining the identity of these people is necessary for Plaintiff to prove his damages for Defendant’s infringement, as alleged in the Complaint. For the same reasons listed above in Interrogatory No. 1, Plaintiff requests that Defendant provide this information.

Interrogatory No. 3 asks Defendants to “Identify all documents that relate to your annual gross revenues in 2015.” Defendant’s objections are essentially the same as those listed in Interrogatory Nos. 2 and 3, with the addition of objections claiming that identifying “all documents” is “not proportional to the needs of the case,” and that the documents “are not reasonably accessible because of undue burden and cost.” Plaintiff believes that these documents are relevant and inquiry into these documents is reasonably calculated to lead to the discovery of admissible evidence because the documents themselves establish claimed damages. Without these documents, it is impossible for Plaintiff to establish damages for the infringement claim. Furthermore, Plaintiff fails to see what undue burden and cost will be sustained by Defendant by merely “identifying” the documents. This is not a request for production. For these reasons in addition to those listed in Interrogatory No. 1, Defendant should provide this information.

Interrogatory No. 5

Interrogatory No. 5 asks for the gross revenue or annual salary of each person listed in Interrogatory No. 4. The people listed in Interrogatory No. 4 were those individuals on Defendant’s writing staff who wrote, created, and/or edited the jokes at issue. Defendant objects to this Interrogatory on the following grounds:

- 1) It seeks information which is not relevant to any party’s claim or defense and is not proportional to the needs of the case;
- 2) It seeks the identification of confidential information prior to the entry of a suitable protective order;
- 3) Gross revenues or annual salaries of the writing staff or writing interns are irrelevant;
- 4) The information is privileged.

Once again, the information sought is relevant and this interrogatory is reasonably calculated to lead to the discovery of admissible evidence to prove Plaintiff’s claimed damages for

infringement. In addition to the annual gross revenues of Conaco as a whole, the individual salaries of those who published the alleged infringing jokes have a direct relationship to Plaintiff's damages. These individuals are undoubtedly paid in part based on the jokes that they submit. If Defendant plans to move for a protective order, it is insufficient to merely object that the interrogatory is seeking identification of confidential information prior to the entry of a suitable protective order unless that party has already moved for a protective order. *See American Rock Salt Co. v. Norfolk Southern Corp.*, 228 F.R.D. 426 (W.D. Ny. 2005).

2. Conan O' Brien's Responses to Plaintiff's Special Interrogatories, Set One

Defendants' Responses to the following Interrogatories propounded in Plaintiff's Special Interrogatories, Set one are deficient, inadequate, and improper. For purposes of the parties' meet and confer, I provide the following summary of certain deficiencies:

General Objection No. 4/Objection to definition of "YOUR."

In serving its Special Interrogatories, Set One, Plaintiff included an "Instructions" and "Definitions" section. In that definition section, Plaintiff defines "YOUR" to include:

"Defendant individually and collectively, and his or her, its or their affiliates and parent company and anyone acting on their, his or her behalf, including, but not limited to, past and present officers, directors, shareholders, agents, employees, representatives, affiliates, attorneys, accountants, investigators, or anyone else acting in their, his or its interest, on their, her or its behalf, or at their, her or its request, and each of them."

However, In General Objection No. 4, Defendant objects to the definitions and instructions "as overly broad and unduly burdensome to the extent that they seek information that exceeds the permissible scope of discovery and information or documents that are neither relevant nor proportional to the needs of the case." In addition, Defendant objects in almost every response to the definition of "YOUR" and seeks to limit the definition to only "Conaco, LLC, and its directors, officers, and employees only."

This limited definition selected by Defendant does not fully encompass the individuals who may have been involved in the acts as alleged in the complaint. To limit the definition to Defendant's chosen definition is to leave out former employees, independent contractors, and other agents who may have been involved in the alleged infringing acts.

As you are aware, the use of reasonable definitions prefacing a series of interrogatories is not prohibited by the FRCP. *See Diversified Products Corp. v. Sports Center Co.*, 42 F.R.D. 3, 10 (M.D. Dc. 1967). With this in mind, Plaintiff asks Defendant to amend its responses to remove General Objection No. 4, and also remove each objection that seeks to limit Plaintiff's defined term, "YOUR," to only Conaco LLC, its directors, officers, and employees.

Interrogatory Nos. 1, 2, and 3

Interrogatory No. 1 asks Defendant to “IDENTIFY YOUR annual gross revenues in 2015.” Defendant objects to this interrogatory on the grounds that:

1) The term “annual gross revenues” is vague and ambiguous in that it fails to specifically identify what revenue information it seeks from Conaco;

2) Annual gross revenues are irrelevant to Plaintiff’s claim for alleged damages as to four one-liner jokes;

3) The interrogatory is overbroad, unduly burdensome, and harassing to the extent the proposed discovery seeks financial information which is not relevant to any party’s claim or defenses and is not proportional to the needs of the case;

4) The interrogatory seeks confidential information prior to the entry of a suitable protective order; and

5) The interrogatory seeks information which is subject to certain confidentiality provisions between Conaco and/or its affiliated companies which may not be disclosed absent the consent of the parties to such contracts.

Information with respect to Defendant’s annual gross revenues is essential to Plaintiff’s claim for copyright infringement because that information relates to damages, an essential element of Plaintiff’s claim. 17 USC 504(b) states (b) Actual Damages and Profits.— The copyright owner is entitled to recover the actual damages suffered by him or her as a result of the infringement, and any profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages. In establishing the infringer’s profits, the copyright owner is required to present proof only of the infringer’s gross revenue, and the infringer is required to prove his or her deductible expenses and the elements of profit attributable to factors other than the copyrighted work.

My client has the burden of showing your client's gross revenue and your client is required to prove deductible expenses. Thus, financial information is relevant to my client's claim and he is entitled to know what your client's gross revenues are and what your client is claiming as deductible expenses. Furthermore, the term “annual gross revenues” doesn’t need to be defined. It is simple enough for a lay person to understand, as “annual” means yearly and “gross revenues” means income before expenses. There is no ambiguity in the term. Furthermore, the second and third objections based on relevance are unwarranted, as I have already stated that this information is crucial to proving Plaintiff’s damages. As to the fourth and fifth objections, ones based on confidentiality, as you know we have already met and conferred regarding a proposed protective order. Your office has taken the position that financial information should be for attorneys eyes only. I did not agree based on the 17 USC 504(b). Based on that your office stated it would take it up with the Judge, yet no motion for protective order has been filed. If we cannot agree on the production of documents and you do not file for a protective order I will simply go ahead and file motion to compel.

Interrogatory No. 2 asks Defendants to “identify all witnesses and persons who calculate and/or determine your annual gross revenues in 2015.” Defendant’s objections are essentially the same as those listed in Interrogatory No. 1. Determining the identity of these people is necessary for Plaintiff to prove his damages for Defendant’s infringement, as alleged in the Complaint. For the same reasons listed above in Interrogatory No. 1, Plaintiff requests that Defendant provide this information.

Interrogatory No. 3 asks Defendants to “Identify all documents that relate to your annual gross revenues in 2015.” Defendant’s objections are essentially the same as those listed in Interrogatory Nos. 2 and 3, with the addition of objections claiming that identifying “all documents” is “not proportional to the needs of the case,” and that the documents “are not reasonably accessible because of undue burden and cost.” Plaintiff believes that these documents are relevant and inquiry into these documents is reasonably calculated to lead to the discovery of admissible evidence because the documents themselves establish claimed damages. Without these documents, it is impossible for Plaintiff to establish damages for the infringement claim. Furthermore, Plaintiff fails to see what undue burden and cost will be sustained by Defendant by merely “identifying” the documents. This is not a request for production. For these reasons in addition to those listed in Interrogatory No. 1, Defendant should provide this information.

Interrogatory No. 5

Interrogatory No. 5 asks for the gross revenue or annual salary of each person listed in Interrogatory No. 4. The people listed in Interrogatory No. 4 were those individuals on Defendant’s writing staff who wrote, created, and/or edited the jokes at issue. Defendant objects to this Interrogatory on the following grounds:

- 1) It seeks information which is not relevant to any party’s claim or defense and is not proportional to the needs of the case;
- 2) It seeks the identification of confidential information prior to the entry of a suitable protective order;
- 3) Gross revenues or annual salaries of the writing staff or writing interns are irrelevant;
- 4) The information is privileged.

Once again, this information is relevant and the interrogatory is reasonably calculated to lead to the discovery of admissible evidence to prove Plaintiff’s claimed damages for infringement. In addition to the annual gross revenues of Conaco as a whole, the individual salaries of those who published the alleged infringing jokes have a direct relationship to Plaintiff’s damages. These individuals are undoubtedly paid in part based on the jokes that they submit. If Defendant plans to move for a protective order, it is insufficient to merely object that the interrogatory is seeking identification of confidential information prior to the entry of a suitable protective order unless that party has already moved for a protective order. *See American Rock Salt Co. v. Norfolk Southern Corp.*, 228 F.R.D. 426 (W.D. Ny. 2005).

3. Jeff Ross’ Responses to Plaintiff’s Special Interrogatories, Set One

Jeff Ross’ Responses to the following Interrogatories propounded in Plaintiff’s Special Interrogatories, Set one are deficient, inadequate, and improper. For purposes of the parties’ meet and confer, I provide the following summary of certain deficiencies:

General Objection No. 4/Objection to definition of “YOUR.”

In serving its Special Interrogatories, Set One, Plaintiff included an “Instructions” and

“Definitions” section. In that definition section, Plaintiff defines “YOUR” to include:

“Defendant individually and collectively, and his or her, its or their affiliates and parent company and anyone acting on their, his or her behalf, including, but not limited to, past and present officers, directors, shareholders, agents, employees, representatives, affiliates, attorneys, accountants, investigators, or anyone else acting in their, his or its interest, on their, her or its behalf, or at their, her or its request, and each of them.”

However, In General Objection No. 4, Defendant objects to the definitions and instructions “as overly broad and unduly burdensome to the extent that they seek information that exceeds the permissible scope of discovery and information or documents that are neither relevant nor proportional to the needs of the case.” In addition, Defendant objects in almost every response to the definition of “YOUR” and seeks to limit the definition to only “Conaco, LLC, and its directors, officers, and employees only.”

This limited definition selected by Defendant does not fully encompass the individuals who may have been involved in the acts as alleged in the complaint. To limit the definition to Defendant’s chosen definition is to leave out former employees, independent contractors, and other agents who may have been involved in the alleged infringing acts.

As you are aware, the use of reasonable definitions prefacing a series of interrogatories is not prohibited by the FRCP. *See Diversified Products Corp. v. Sports Center Co.*, 42 F.R.D. 3, 10 (M.D. Dc. 1967). With this in mind, Plaintiff asks Defendant to amend its responses to remove General Objection No. 4, and also remove each objection that seeks to limit Plaintiff’s defined term, “YOUR,” to only Conaco LLC, its directors, officers, and employees.

Interrogatory Nos. 1, 2, and 3

Interrogatory No. 1 asks Defendant to “IDENTIFY YOUR annual gross revenues in 2015.” Defendant objects to this interrogatory on the grounds that:

- 1) The term “annual gross revenues” is vague and ambiguous in that it fails to specifically identify what revenue information it seeks from Conaco;
- 2) Annual gross revenues are irrelevant to Plaintiff’s claim for alleged damages as to four one-liner jokes;
- 3) The interrogatory is overbroad, unduly burdensome, and harassing to the extent the proposed discovery seeks financial information which is not relevant to any party’s claim or defends and is not proportional to the needs of the case;
- 4) The interrogatory seeks confidential information prior to the entry of a suitable protective order; and
- 5) The interrogatory seeks information which is subject to certain confidentiality provisions between Conaco and/or its affiliated companies which may not be disclosed absent the consent of the parties to such contracts.

Information with respect to Defendant’s annual gross revenues is essential to Plaintiff’s claim for copyright infringement because that information relates to damages, an essential element of Plaintiff’s claim. 17 USC 504(b) states (b) Actual Damages and Profits.— The

copyright owner is entitled to recover the actual damages suffered by him or her as a result of the infringement, and any profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages. In establishing the infringer's profits, the copyright owner is required to present proof only of the infringer's gross revenue, and the infringer is required to prove his or her deductible expenses and the elements of profit attributable to factors other than the copyrighted work.

My client has the burden of showing your client's gross revenue and your client is required to prove deductible expenses. Thus, financial information is relevant to my client's claim and he is entitled to know what your client's gross revenues are and what your client is claiming as deductible expenses. Furthermore, the term "annual gross revenues" doesn't need to be defined. It is simple enough for a lay person to understand, as "annual" means yearly and "gross revenues" means income before expenses. There is no ambiguity in the term. Furthermore, the second and third objections based on relevance are unwarranted, as I have already stated that this information is crucial to proving Plaintiff's damages. As to the fourth and fifth objections, ones based on confidentiality, as you know we have already met and conferred regarding a proposed protective order. Your office has taken the position that financial information should be for attorneys eyes only. I did not agree based on the 17 USC 504(b). Based on that your office stated it would take it up with the Judge, yet no motion for protective order has been filed. If we cannot agree on the production of documents and you do not file for a protective order I will simply go ahead and file motion to compel.

Interrogatory No. 2 asks Defendants to "identify all witnesses and persons who calculate and/or determine your annual gross revenues in 2015." Defendant's objections are essentially the same as those listed in Interrogatory No. 1. Determining the identity of these people is necessary for Plaintiff to prove his damages for Defendant's infringement, as alleged in the Complaint. For the same reasons listed above in Interrogatory No. 1, Plaintiff requests that Defendant provide this information.

Interrogatory No. 3 asks Defendants to "Identify all documents that relate to your annual gross revenues in 2015." Defendant's objections are essentially the same as those listed in Interrogatory Nos. 2 and 3, with the addition of objections claiming that identifying "all documents" is "not proportional to the needs of the case," and that the documents "are not reasonably accessible because of undue burden and cost." Plaintiff believes that these documents are relevant and inquiry into these documents is reasonably calculated to lead to the discovery of admissible evidence because the documents themselves establish claimed damages. Without these documents, it is impossible for Plaintiff to establish damages for the infringement claim. Furthermore, Plaintiff fails to see what undue burden and cost will be sustained by Defendant by merely "identifying" the documents. This is not a request for production. For these reasons in addition to those listed in Interrogatory No. 1, Defendant should provide this information.

Interrogatory No. 5

Interrogatory No. 5 asks for the gross revenue or annual salary of each person listed in Interrogatory No. 4. The people listed in Interrogatory No. 4 were those individuals on Defendant's writing staff who wrote, created, and/or edited the jokes at issue. Defendant objects

to this Interrogatory on the following grounds:

- 1) It seeks information which is not relevant to any party's claim or defense and is not proportional to the needs of the case;
- 2) It seeks the identification of confidential information prior to the entry of a suitable protective order;
- 3) Gross revenues or annual salaries of the writing staff or writing interns are irrelevant;
- 4) The information is privileged.

Once again, the information sought is relevant and this interrogatory is reasonably calculated to lead to the discovery of admissible evidence to prove Plaintiff's claimed damages for infringement. In addition to the annual gross revenues of Conaco as a whole, the individual salaries of those who published the alleged infringing jokes have a direct relationship to Plaintiff's damages. These individuals are undoubtedly paid in part based on the jokes that they submit. If Defendant plans to move for a protective order, it is insufficient to merely object that the interrogatory is seeking identification of confidential information prior to the entry of a suitable protective order unless that party has already moved for a protective order. *See American Rock Salt Co. v. Norfolk Southern Corp.*, 228 F.R.D. 426 (W.D. Ny. 2005).

4. Mike Sweeney's Responses to Plaintiff's Special Interrogatories, Set One

Mike Sweeney's Responses to the following Interrogatories propounded in Plaintiff's Special Interrogatories, Set one are deficient, inadequate, and improper. For purposes of the parties' meet and confer, I provide the following summary of certain deficiencies:

General Objection No. 4/Objection to definition of "YOUR."

In serving its Special Interrogatories, Set One, Plaintiff included an "Instructions" and "Definitions" section. In that definition section, Plaintiff defines "YOUR" to include:

"Defendant individually and collectively, and his or her, its or their affiliates and parent company and anyone acting on their, his or her behalf, including, but not limited to, past and present officers, directors, shareholders, agents, employees, representatives, affiliates, attorneys, accountants, investigators, or anyone else acting in their, his or its interest, on their, her or its behalf, or at their, her or its request, and each of them."

However, In General Objection No. 4, Defendant objects to the definitions and instructions "as overly broad and unduly burdensome to the extent that they seek information that exceeds the permissible scope of discovery and information or documents that are neither relevant nor proportional to the needs of the case." In addition, Defendant objects in almost every response to the definition of "YOUR" and seeks to limit the definition to only "Conaco, LLC, and its directors, officers, and employees only."

This limited definition selected by Defendant does not fully encompass the individuals who may have been involved in the acts as alleged in the complaint. To limit the definition to Defendant's chosen definition is to leave out former employees, independent contractors, and other agents who may have been involved in the alleged infringing acts.

As you are aware, the use of reasonable definitions prefacing a series of interrogatories is not prohibited by the FRCP. *See Diversified Products Corp. v. Sports Center Co.*, 42 F.R.D. 3, 10 (M.D. Dc. 1967). With this in mind, Plaintiff asks Defendant to amend its responses to remove General Objection No. 4, and also remove each objection that seeks to limit Plaintiff's defined term, "YOUR," to only Conaco LLC, its directors, officers, and employees.

Interrogatory Nos. 1, 2, and 3

Interrogatory No. 1 asks Defendant to "IDENTIFY YOUR annual gross revenues in 2015." Defendant objects to this interrogatory on the grounds that:

1) The term "annual gross revenues" is vague and ambiguous in that it fails to specifically identify what revenue information it seeks from Conaco;

2) Annual gross revenues are irrelevant to Plaintiff's claim for alleged damages as to four one-liner jokes;

3) The interrogatory is overbroad, unduly burdensome, and harassing to the extent the proposed discovery seeks financial information which is not relevant to any party's claim or defenses and is not proportional to the needs of the case;

4) The interrogatory seeks confidential information prior to the entry of a suitable protective order; and

5) The interrogatory seeks information which is subject to certain confidentiality provisions between Conaco and/or its affiliated companies which may not be disclosed absent the consent of the parties to such contracts.

Information with respect to Defendant's annual gross revenues is essential to Plaintiff's claim for copyright infringement because that information relates to damages, an essential element of Plaintiff's claim. 17 USC 504(b) states (b) Actual Damages and Profits.— The copyright owner is entitled to recover the actual damages suffered by him or her as a result of the infringement, and any profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages. In establishing the infringer's profits, the copyright owner is required to present proof only of the infringer's gross revenue, and the infringer is required to prove his or her deductible expenses and the elements of profit attributable to factors other than the copyrighted work.

My client has the burden of showing your client's gross revenue and your client is required to prove deductible expenses. Thus, financial information is relevant to my client's claim and he is entitled to know what your client's gross revenues are and what your client is claiming as deductible expenses. Furthermore, the term "annual gross revenues" doesn't need to be defined. It is simple enough for a lay person to understand, as "annual" means yearly and "gross revenues" means income before expenses. There is no ambiguity in the term. Furthermore, the second and third objections based on relevance are unwarranted, as I have already stated that this information is crucial to proving Plaintiff's damages. As to the fourth and fifth objections, as you know we have already met and conferred regarding a proposed protective order. Your office has taken the position that financial information should be for attorneys eyes only. I did not agree based on the 17 USC 504(b). Based on that your office stated it would take it up with the Judge, yet no motion for protective order has been filed. If we cannot agree on the

production of documents and you do not file for a protective order I will simply go ahead and file motion to compel.

Interrogatory No. 2 asks Defendants to “identify all witnesses and persons who calculate and/or determine your annual gross revenues in 2015.” Defendant’s objections are essentially the same as those listed in Interrogatory No. 1. Determining the identity of these people is necessary for Plaintiff to prove his damages for Defendant’s infringement, as alleged in the Complaint. For the same reasons listed above in Interrogatory No. 1, Plaintiff requests that Defendant provide this information.

Interrogatory No. 3 asks Defendants to “Identify all documents that relate to your annual gross revenues in 2015.” Defendant’s objections are essentially the same as those listed in Interrogatory Nos. 2 and 3, with the addition of objections claiming that identifying “all documents” is “not proportional to the needs of the case,” and that the documents “are not reasonably accessible because of undue burden and cost.” Plaintiff believes that these documents are relevant and inquiry into these documents is reasonably calculated to lead to the discovery of admissible evidence because the documents themselves establish claimed damages. Without these documents, it is impossible for Plaintiff to establish damages for the infringement claim. Furthermore, Plaintiff fails to see what undue burden and cost will be sustained by Defendant by merely “identifying” the documents. This is not a request for production. For these reasons in addition to those listed in Interrogatory No. 1, Defendant should provide this information.

Interrogatory No. 5

Interrogatory No. 5 asks for the gross revenue or annual salary of each person listed in Interrogatory No. 4. The people listed in Interrogatory No. 4 were those individuals on Defendant’s writing staff who wrote, created, and/or edited the jokes at issue. Defendant objects to this Interrogatory on the following grounds:

- 1) It seeks information which is not relevant to any party’s claim or defense and is not proportional to the needs of the case;
- 2) It seeks the identification of confidential information prior to the entry of a suitable protective order;
- 3) Gross revenues or annual salaries of the writing staff or writing interns are irrelevant;
- 4) The information is privileged.

Once again, the information sought is relevant and this interrogatory is reasonably calculated to lead to the discovery of admissible evidence to prove Plaintiff’s claimed damages for infringement. In addition to the annual gross revenues of Conaco as a whole, the individual salaries of those who published the alleged infringing jokes have a direct relationship to Plaintiff’s damages. These individuals are undoubtedly paid in part based on the jokes that they submit. If Defendant plans to move for a protective order, it is insufficient to merely object that the interrogatory is seeking identification of confidential information prior to the entry of a suitable protective order unless that party has already moved for a protective order. *See American Rock Salt Co. v. Norfolk Southern Corp.*, 228 F.R.D. 426 (W.D. Ny. 2005).

5. TBS’s Responses to Plaintiff’s Special Interrogatories, Set One

TBS's Responses to the following Interrogatories propounded in Plaintiff's Special Interrogatories, Set one are deficient, inadequate, and improper. For purposes of the parties' meet and confer, I provide the following summary of certain deficiencies:

General Objection No. 4/Objection to definition of "YOUR."

In serving its Special Interrogatories, Set One, Plaintiff included an "Instructions" and "Definitions" section. In that definition section, Plaintiff defines "YOUR" to include:

"Defendant individually and collectively, and his or her, its or their affiliates and parent company and anyone acting on their, his or her behalf, including, but not limited to, past and present officers, directors, shareholders, agents, employees, representatives, affiliates, attorneys, accountants, investigators, or anyone else acting in their, his or its interest, on their, her or its behalf, or at their, her or its request, and each of them."

However, In General Objection No. 4, Defendant objects to the definitions and instructions "as overly broad and unduly burdensome to the extent that they seek information that exceeds the permissible scope of discovery and information or documents that are neither relevant nor proportional to the needs of the case." In addition, Defendant objects in almost every response to the definition of "YOUR" and seeks to limit the definition to only "Conaco, LLC, and its directors, officers, and employees only."

This limited definition selected by Defendant does not fully encompass the individuals who may have been involved in the acts as alleged in the complaint. To limit the definition to Defendant's chosen definition is to leave out former employees, independent contractors, and other agents who may have been involved in the alleged infringing acts.

As you are aware, the use of reasonable definitions prefacing a series of interrogatories is not prohibited by the FRCP. *See Diversified Products Corp. v. Sports Center Co.*, 42 F.R.D. 3, 10 (M.D. Dc. 1967). With this in mind, Plaintiff asks Defendant to amend its responses to remove General Objection No. 4, and also remove each objection that seeks to limit Plaintiff's defined term, "YOUR," to only Conaco LLC, its directors, officers, and employees.

Interrogatory Nos. 1, 2, and 3

Interrogatory No. 1 asks Defendant to "IDENTIFY YOUR annual gross revenues in 2015." Defendant objects to this interrogatory on the grounds that:

- 1) The term "annual gross revenues" is vague and ambiguous in that it fails to specifically identify what revenue information it seeks from Conaco;
- 2) Annual gross revenues are irrelevant to Plaintiff's claim for alleged damages as to four one-liner jokes;
- 3) The interrogatory is overbroad, unduly burdensome, and harassing to the extent the proposed discovery seeks financial information which is not relevant to any party's claim or defenses and is not proportional to the needs of the case;
- 4) The interrogatory seeks confidential information prior to the entry of a suitable

protective order; and

5) The interrogatory seeks information which is subject to certain confidentiality provisions between Conaco and/or its affiliated companies which may not be disclosed absent the consent of the parties to such contracts.

Information with respect to Defendant's annual gross revenues is essential to Plaintiff's claim for copyright infringement because that information relates to damages, an essential element of Plaintiff's claim. 17 USC 504(b) states (b) Actual Damages and Profits.— The copyright owner is entitled to recover the actual damages suffered by him or her as a result of the infringement, and any profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages. In establishing the infringer's profits, the copyright owner is required to present proof only of the infringer's gross revenue, and the infringer is required to prove his or her deductible expenses and the elements of profit attributable to factors other than the copyrighted work.

My client has the burden of showing your client's gross revenue and your client is required to prove deductible expenses. Thus, financial information is relevant to my client's claim and he is entitled to know what your client's gross revenues are and what your client is claiming as deductible expenses. Furthermore, the term "annual gross revenues" doesn't need to be defined. It is simple enough for a lay person to understand, as "annual" means yearly and "gross revenues" means income before expenses. There is no ambiguity in the term. Furthermore, the second and third objections based on relevance are unwarranted, as I have already stated that this information is crucial to proving Plaintiff's damages. As to the fourth and fifth objections, as you know we have already met and conferred regarding a proposed protective order. Your office has taken the position that financial information should be for attorneys eyes only. I did not agree based on the 17 USC 504(b). Based on that your office stated it would take it up with the Judge, yet no motion for protective order has been filed. If we cannot agree on the production of documents and you do not file for a protective order I will simply go ahead and file motion to compel.

Interrogatory No. 2 asks Defendants to "identify all witnesses and persons who calculate and/or determine your annual gross revenues in 2015." Defendant's objections are essentially the same as those listed in Interrogatory No. 1. Determining the identity of these people is necessary for Plaintiff to prove his damages for Defendant's infringement, as alleged in the Complaint. For the same reasons listed above in Interrogatory No. 1, Plaintiff requests that Defendant provide this information.

Interrogatory No. 3 asks Defendants to "Identify all documents that relate to your annual gross revenues in 2015." Defendant's objections are essentially the same as those listed in Interrogatory Nos. 2 and 3, with the addition of objections claiming that identifying "all documents" is "not proportional to the needs of the case," and that the documents "are not reasonably accessible because of undue burden and cost." Plaintiff believes that these documents are relevant and inquiry into these documents is reasonably calculated to lead to the discovery of admissible evidence because the documents themselves establish claimed damages. Without these documents, it is impossible for Plaintiff to establish damages for the infringement claim. Furthermore, Plaintiff fails to see what undue burden and cost will be sustained by Defendant by

merely “identifying” the documents. This is not a request for production. For these reasons in addition to those listed in Interrogatory No. 1, Defendant should provide this information.

Interrogatory No. 5

Interrogatory No. 5 asks for the gross revenue or annual salary of each person listed in Interrogatory No. 4. The people listed in Interrogatory No. 4 were those individuals on Defendant’s writing staff who wrote, created, and/or edited the jokes at issue. Defendant objects to this Interrogatory on the following grounds:

- 1) It seeks information which is not relevant to any party’s claim or defense and is not proportional to the needs of the case;
- 2) It seeks the identification of confidential information prior to the entry of a suitable protective order;
- 3) Gross revenues or annual salaries of the writing staff or writing interns are irrelevant;
- 4) The information is privileged.

Once again, the information sought is relevant and this interrogatory is reasonably calculated to lead to the discovery of admissible evidence to prove Plaintiff’s claimed damages for infringement. In addition to the annual gross revenues of Conaco as a whole, the individual salaries of those who published the alleged infringing jokes have a direct relationship to Plaintiff’s damages. These individuals are undoubtedly paid in part based on the jokes that they submit. If Defendant plans to move for a protective order, it is insufficient to merely object that the interrogatory is seeking identification of confidential information prior to the entry of a suitable protective order unless that party has already moved for a protective order. *See American Rock Salt Co. v. Norfolk Southern Corp.*, 228 F.R.D. 426 (W.D. Ny. 2005).

6. Time Warner’s Responses to Plaintiff’s Special Interrogatories, Set One

Time Warner’s Responses to the following Interrogatories propounded in Plaintiff’s Special Interrogatories, Set one are deficient, inadequate, and improper. For purposes of the parties’ meet and confer, I provide the following summary of certain deficiencies:

General Objection No. 4/Objection to definition of “YOUR.”

In serving its Special Interrogatories, Set One, Plaintiff included an “Instructions” and “Definitions” section. In that definition section, Plaintiff defines “YOUR” to include:

“Defendant individually and collectively, and his or her, its or their affiliates and parent company and anyone acting on their, his or her behalf, including, but not limited to, past and present officers, directors, shareholders, agents, employees, representatives, affiliates, attorneys, accountants, investigators, or anyone else acting in their, his or its interest, on their, her or its behalf, or at their, her or its request, and each of them.”

However, In General Objection No. 4, Defendant objects to the definitions and instructions “as overly broad and unduly burdensome to the extent that they seek information that exceeds the permissible scope of discovery and information or documents that are neither relevant nor

proportional to the needs of the case.” In addition, Defendant objects in almost every response to the definition of “YOUR” and seeks to limit the definition to only “Conaco, LLC, and its directors, officers, and employees only.”

This limited definition selected by Defendant does not fully encompass the individuals who may have been involved in the acts as alleged in the complaint. To limit the definition to Defendant’s chosen definition is to leave out former employees, independent contractors, and other agents who may have been involved in the alleged infringing acts.

As you are aware, the use of reasonable definitions prefacing a series of interrogatories is not prohibited by the FRCP. *See Diversified Products Corp. v. Sports Center Co.*, 42 F.R.D. 3, 10 (M.D. Dc. 1967). With this in mind, Plaintiff asks Defendant to amend its responses to remove General Objection No. 4, and also remove each objection that seeks to limit Plaintiff’s defined term, “YOUR,” to only Conaco LLC, its directors, officers, and employees.

Interrogatory Nos. 1, 2, and 3

Interrogatory No. 1 asks Defendant to “IDENTIFY YOUR annual gross revenues in 2015.” Defendant objects to this interrogatory on the grounds that:

- 1) The term “annual gross revenues” is vague and ambiguous in that it fails to specifically identify what revenue information it seeks from Conaco;
- 2) Annual gross revenues are irrelevant to Plaintiff’s claim for alleged damages as to four one-liner jokes;
- 3) The interrogatory is overbroad, unduly burdensome, and harassing to the extent the proposed discovery seeks financial information which is not relevant to any party’s claim or defenses and is not proportional to the needs of the case;
- 4) The interrogatory seeks confidential information prior to the entry of a suitable protective order; and
- 5) The interrogatory seeks information which is subject to certain confidentiality provisions between Conaco and/or its affiliated companies which may not be disclosed absent the consent of the parties to such contracts.

Information with respect to Defendant’s annual gross revenues is essential to Plaintiff’s claim for copyright infringement because that information relates to damages, an essential element of Plaintiff’s claim. 17 USC 504(b) states (b) Actual Damages and Profits.— The copyright owner is entitled to recover the actual damages suffered by him or her as a result of the infringement, and any profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages. In establishing the infringer’s profits, the copyright owner is required to present proof only of the infringer’s gross revenue, and the infringer is required to prove his or her deductible expenses and the elements of profit attributable to factors other than the copyrighted work.

My client has the burden of showing your client's gross revenue and your client is required to prove deductible expenses. Thus, financial information is relevant to my client's claim and he is entitled to know what your client's gross revenues are and what your client is claiming as deductible expenses. Furthermore, the term “annual gross revenues” doesn’t need to

be defined. It is simple enough for a lay person to understand, as “annual” means yearly and “gross revenues” means income before expenses. There is no ambiguity in the term. Furthermore, the second and third objections based on relevance are unwarranted, as I have already stated that this information is crucial to proving Plaintiff’s damages. As to the fourth and fifth objections, as you know we have already met and conferred regarding a proposed protective order. Your office has taken the position that financial information should be for attorneys eyes only. I did not agree based on the 17 USC 504(b). Based on that your office stated it would take it up with the Judge, yet no motion for protective order has been filed. If we cannot agree on the production of documents and you do not file for a protective order I will simply go ahead and file motion to compel.

Interrogatory No. 2 asks Defendants to “identify all witnesses and persons who calculate and/or determine your annual gross revenues in 2015.” Defendant’s objections are essentially the same as those listed in Interrogatory No. 1. Determining the identity of these people is necessary for Plaintiff to prove his damages for Defendant’s infringement, as alleged in the Complaint. For the same reasons listed above in Interrogatory No. 1, Plaintiff requests that Defendant provide this information.

Interrogatory No. 3 asks Defendants to “Identify all documents that relate to your annual gross revenues in 2015.” Defendant’s objections are essentially the same as those listed in Interrogatory Nos. 2 and 3, with the addition of objections claiming that identifying “all documents” is “not proportional to the needs of the case,” and that the documents “are not reasonably accessible because of undue burden and cost.” Plaintiff believes that these documents are relevant and inquiry into these documents is reasonably calculated to lead to the discovery of admissible evidence because the documents themselves establish claimed damages. Without these documents, it is impossible for Plaintiff to establish damages for the infringement claim. Furthermore, Plaintiff fails to see what undue burden and cost will be sustained by Defendant by merely “identifying” the documents. This is not a request for production. For these reasons in addition to those listed in Interrogatory No. 1, Defendant should provide this information.

Interrogatory No. 5

Interrogatory No. 5 asks for the gross revenue or annual salary of each person listed in Interrogatory No. 4. The people listed in Interrogatory No. 4 were those individuals on Defendant’s writing staff who wrote, created, and/or edited the jokes at issue. Defendant objects to this Interrogatory on the following grounds:

- 1) It seeks information which is not relevant to any party’s claim or defense and is not proportional to the needs of the case;
- 2) It seeks the identification of confidential information prior to the entry of a suitable protective order;
- 3) Gross revenues or annual salaries of the writing staff or writing interns are irrelevant;
- 4) The information is privileged.

Once again, the information sought is relevant and this interrogatory is reasonably calculated to lead to the discovery of admissible evidence to prove Plaintiff’s claimed damages for infringement. In addition to the annual gross revenues of Conaco as a whole, the individual

salaries of those who published the alleged infringing jokes have a direct relationship to Plaintiff's damages. These individuals are undoubtedly paid in part based on the jokes that they submit. If Defendant plans to move for a protective order, it is insufficient to merely object that the interrogatory is seeking identification of confidential information prior to the entry of a suitable protective order unless that party has already moved for a protective order. *See American Rock Salt Co. v. Norfolk Southern Corp.*, 228 F.R.D. 426 (W.D. Ny. 2005).

7. Conaco LLC's Responses to Plaintiff's Request for Production of Documents, Set One

Conaco LLC's Responses to the following Requests propounded in Plaintiff's Request for Production of Documents and Things, Set one are deficient, inadequate, and improper. For purposes of the parties' meet and confer, I provide the following summary of certain deficiencies:

Request for Production Nos. 3 and 4

Request for Production No. 3 asks for "ANY and ALL DOCUMENTS, tangible things and other items that RELATE TO YOUR annual gross revenues in 2015. In response, Defendant provides the same objections it provided in Interrogatories 1, 2, and 3. For the same reasons as those stated in the aforementioned interrogatories, Defendant should produce the requested documents.

Request for Production No. 4 asks for "ANY and ALL DOCUMENTS, tangible things and other items that RELATE TO YOUR annual net profits in 2015. Defendant asserted essentially the same objections as those asserted in Request for Production No. 3.

Though the term "annual net profits" is different than "annual gross revenues," it is still one that is not subject to any uncertainty or ambiguity. "Annual net profits" simply refers to the income retained by Defendant after expenses. Furthermore, this information is relevant for the same reasons as stated above, in that it is essential to proving Plaintiff's damages. With these reasons in mind, along with those listed in interrogatories 1, 2, and 3 above, Plaintiff respectfully asks for Defendant to provide the requested documents.

Request for Production Nos. 6, 7, and 8

Each of these Requests seeks documents involving JOSH COMERS, BRIAN KILEY, and ROB KUTNER, which were submitted to Defendant for use on the "CONAN" show monologue in the last three years. Defendant's response is that it will produce relevant and non-privileged documents within its possession concerning the three individuals above within thirty (30) days after the entry of a protective order in this action, to the extent that such documents may exist and have not already been produced.

As you know we have already met and conferred regarding a proposed protective order. Your office has taken the position that financial information should be for attorneys eyes only. I did not agree based on the 17 USC 504(b) thus we were unable to reach an agreement on a

protective order to address all issues. Based on that your office stated it would take it up with the Judge, yet no motion for protective order has been filed. If we cannot agree on the production of documents and you do not file for a protective order I will simply go ahead and file motion to compel.

I hope that we can discuss and resolve these issues amicably during a phone call.

Sincerely,

/s/ Jayson M. Lorenzo

Jayson M. Lorenzo

Exhibit 17

From: Nick Huskins
Sent: Wednesday, June 1, 2016 7:36 PM
To: Jayson Lorenzo
Cc: Erica Van Loon
Subject: Kaseberg v. Conaco, LLC, et al.
Attachments: Proof of Service 2016-06-01.pdf; Declaration of Nicholas Huskins.pdf; Joint Motion for Determination of Discovery Dispute.docx

Jayson,

Pursuant to Judge Bartick's Civil Chambers Rule IV(C)(3), please see attached Defendants' portion of the Joint Motion for Determination of Discovery Dispute and the supporting Declaration of Nicholas Huskins with exhibits. Please return your portion to us no later than end of business (5pm) June 8, 2016, so that we may finalize the document and timely file. A proof of service is also attached.

Also, we are in receipt of your supplemental responses. We will review and let you know if our position changes with respect to any of the discovery requests discussed in the Joint Motion.

Regards,
Nick

Glaser Weil

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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
11

12 ROBERT ALEXANDER KASEBERG,
13 Plaintiff,

14 v.

15 CONACO, LLC, TURNER
16 BROADCASTING SYSTEM, TIME
17 WARNER, INC., CONAN O'BRIEN,
18 JEFF ROSS, MIKE SWEENEY; DOES
1-50, inclusive,
19 Defendants.

CASE NO.: 3:15-CV-01637-JLS-DHB
Hon. David H. Bartick

**JOINT MOTION FOR
DETERMINATION OF
DISCOVERY DISPUTE**

**JOINT DECLARATION OF COMPLIANCE WITH THE COURT’S MEET
AND CONFER REQUIREMENT**

Pursuant to Civil Chambers’ Rule (IV)(C), Defendants Conaco, LLC, Turner Broadcasting System, Inc.; Time Warner Inc.; Conan O’Brien; Jeff Ross; and Mike Sweeney (collectively, “Defendants”) and Plaintiff Robert Alexander Kaseberg (“Plaintiff” or “Kaseberg”) submit this Joint Motion for Determination of Discovery Dispute to advise the Court of the parties’ impasse concerning Defendant Conaco, LLC’s (“Conaco”) first set of discovery requests served on Plaintiff. This motion is made following the conference of counsel pursuant to Civil Local Rule 26.1.a and Civil Chambers’ Rule (IV)(A), which took place May 18, 2016.

DEFENDANTS’ MEMORANDUM OF POINTS AND AUTHORITIES

I. RELEVANT BACKGROUND

On March 24, 2016 Conaco served its First Set of Interrogatories (“Interrogatories”) and First Set of Requests for Admission (“RFAs”) to Plaintiff. *See* Declaration of Nicholas Huskins (“Huskins Decl.”), Exs. A-B. Plaintiff served his objections and responses to each on April 25, 2016. Huskins Decl., Exs. C-D.

On May 9, 2016, Defendants’ counsel sent a letter to Plaintiff’s counsel identifying several deficiencies in Plaintiff’s discovery responses and requesting to meet and confer on the issues raised therein. *Id.*, Ex. E. The parties met and conferred on May 18, 2016. *Id.*, ¶ 2. Relevant to this motion, Plaintiff’s counsel represented that Plaintiff would supplement deficient responses to Interrogatory Nos. 1-4, 7-8, 10-13, and 15-16, and all RFAs. *Id.* In follow-up correspondence, Plaintiff’s counsel qualified this representation, offering only to “speak to [his] client and to the extent he can provide additional information the responses will be submitted.” *Id.*, Ex. F. In the same correspondence, Plaintiff’s counsel maintained that he could not agree to supplement any responses before June 1. *Id.*

Given this Court’s requirements for filing discovery motions, as articulated in Civil Chambers’ Rules (IV)(C), Defendants could not agree to Plaintiff’s proposal.

Should Plaintiff provide supplemental responses on June 1, Defendants would be left with one day to review the supplemental responses and prepare their brief before the deadline to exchange their portion of the joint statement with Plaintiff's counsel. Thus, Defendants' counsel informed Plaintiff's counsel that Defendants would proceed with a motion to compel on the unresolved discovery issues. *Id.* Of course, Defendants will review any supplemental responses received by Defendants and modify this motion, should such response moot any issues herein.

Defendants request assistance from the Court to ensure Plaintiff provides adequate responses to the essential discovery propounded by Conaco. As set forth below, Defendants are entitled to the discovery sought, as it is relevant and necessary to fairly defend against Plaintiff's copyright infringement claim.

II. DISPUTED DISCOVERY RESPONSES

A. INTERROGATORIES

Parties to a lawsuit may serve interrogatories seeking information regarding any matter that can be inquired into under Rule 26(b)(1). Fed. R. Civ. P. 33(a)(2). Rule 26 allows parties to obtain "discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party." Fed. R. Civ. P. 26(b). Responses must be consistent with the underlying purpose of interrogatories, which is to secure admissions, narrow the issues in a case, and obtain a party's contentions. *See Life Music, Inc. v. Broadcast Music, Inc.*, 41 F.R.D. 16 (S.D.N.Y. 1966). A party may move to compel further responses to interrogatories if the initial responses were incomplete or evasive. Fed. R. Civ. P. 37(a)(4).

All of Conaco's Interrogatories relate to threshold issues relevant to Plaintiff's copyright infringement claim. However, nearly all of Plaintiff's Interrogatory responses are inadequate and must be supplemented, as individually discussed below.

1. Interrogatory No. 1

Interrogatory No. 1 sought the time, date and forum for every instance in which Plaintiff *published* the allegedly-infringed jokes (the "Jokes At Issue"). Huskins

Decl., Ex. A. Plaintiff's complete response reads: "Each of Respondent's Jokes At Issue were *created* at home. Respondent *creates* the jokes prior to publishing them on the internet." *Id.*, Ex. C. This answer is inadequate, as it entirely fails to address Plaintiff's *publication* of the Jokes At Issue.

If Plaintiff failed to publish the jokes at issue prior to Defendants' independent creation, Plaintiff cannot demonstrate circumstantial or direct access to Plaintiff's purported copyrighted works. Absent some evidence of access, Plaintiff's infringement claim fails. *Bernal v. Paradigm Talent & Literary Agency*, 788 F. Supp. 2d 1043, 1052 (C.D. Cal. 2010) ("To prove copyright infringement, Plaintiff must show that Defendants copied protected elements of [the work] either through evidence of direct copying or through a showing that Defendants had 'access' to Plaintiff's copyrighted material and that the two works at issue are 'substantially similar.'") (internal citations omitted). Thus, this information is highly relevant, and the Court should order Plaintiff to provide a complete and accurate response.

2. Interrogatory No. 2

Interrogatory No. 2 asks Plaintiff to identify the original and unique components of each allegedly copyrighted joke that he believes Defendants unlawfully copied. Huskins Decl., Ex. A. Plaintiff responded only with an objection that "the question calls for a legal conclusion and the answer is set forth in Respondent's complaint." *Id.*, Ex., C.

First, general references to a complaint are an insufficient answer to an Interrogatory. *See e.g., Guerrero v. McClure*, 2011 WL 4566130, at *6 (E.D. Cal. Sept. 29, 2011) (holding "responses merely referring to the allegations of [plaintiff's] complaint are insufficient" and ordering respondent to supplement responses); *United States ex rel. O'Connell v. Chapman University*, 245 F.R.D. 646, 650 (C.D. Cal. 2007) ("an interrogatory should be complete in itself and should not refer to the pleadings, or to depositions or other documents, or to other interrogatories"); *McClellan v. Kern Cty. Sheriff's Office*, 2015 WL 4598871, at *4 (E.D. Cal. July 28,

2015) (holding interrogatory responses that refer to Plaintiffs' Complaint insufficient and ordering respondent to supplement interrogatory responses).

Moreover, the identification of protectable aspects of the Jokes At Issue is central to Plaintiff's lone claim for copyright infringement. Only the original and unique aspects of a work are protected by copyright. *Apple Computer, Inc. v. Microsoft Corp.*, 35 F.3d 1435, 1445 (9th Cir. 1994) ("As the Supreme Court recently made clear, protection extends only to those components of a work that are original to the author"). Through initial disclosures, Defendants presented significant evidence of numerous third-parties publishing substantially similar jokes to the Jokes At Issue. Further, the Jokes At Issue are comprised of a factual set up based on a recent current event and a one-liner punchline, and do not appear to be protectable via copyright. Plaintiff has failed to provide any information suitable to identify what aspect of the Jokes At Issue Plaintiff believes to be unique and original expression. Thus, Defendants requests that this Court order Plaintiff to provide a complete, narrative response to Interrogatory No. 2 describing the allegedly protected material, and the basis for claiming such protection, to the extent any exists.

3. Interrogatory Nos. 3 and 4

Interrogatory No. 3 asks Plaintiff to describe in detail his conception, development, creation and authorship for each of the jokes at issue. Huskins Decl., Ex. A. After asserting vague and ambiguous objections as to the terms "conception", "development" "creation" and "authorship", Plaintiff responded with a single, vague, and in some cases unintelligible sentence for each joke. *Id.*, Ex. C. Each sentence amounted to nothing more than a statement that Plaintiff generally learned of the topical news item to which his joke related, and then created the Joke At Issue. *Id.*

First, there is nothing vague or ambiguous about these terms. They are common terms, with well understood meanings, particularly in the context of copyright. Moreover, Conaco's First Set of Interrogatories contained an instruction that provided: "If YOU object to any meaning of any term in any interrogatory herein

1 as unclear to YOU, YOU shall assume a reasonable meaning, state what the assumed
 2 meaning is, and respond to the request according to the assumed meaning.” *Id.*, Ex.
 3 A. Plaintiff made no attempt to comply with this instruction. Further, during the
 4 meet and confer, Plaintiff’s counsel intimated that he understood what these common
 5 terms meant and would provide a sufficient supplemental response. *Id.*, ¶ 2.

6 Moreover, Plaintiff’s response is plainly evasive and inadequate. The request
 7 asks Plaintiff to “describe in detail” his creation of the Jokes At Issue. *Id.*
 8 Objectively, his response fails to comply under any standard. At a minimum,
 9 Plaintiff’s response should provide the joke’s date of creation, the method of creation,
 10 and the news sources Plaintiff viewed in which he learned of the set-up topic. In fact,
 11 Conaco specifically sought the identification of the news sources and websites
 12 reviewed by Plaintiff in Interrogatory No. 4. *Id.* Plaintiff’s response failed to identify
 13 any sources. Instead, Plaintiff objected on the grounds that the identification of such
 14 is unduly burdensome, and that discovery is ongoing. *Id.*, Ex. C.

15 Plaintiff’s objections to Interrogatory No. 4 are meritless. Plaintiff should
 16 already know the website and/or television source he used to come up with the Jokes
 17 At Issue and this should have been produced as part of his initial disclosures. There is
 18 nothing burdensome about this basic, relevant information regarding Plaintiff’s
 19 alleged creation of the Jokes At Issue. Further, Conaco’s Interrogatories were served
 20 over two months ago. There is no justifiable reason for Plaintiff to delay his response
 21 any longer. Because the Jokes At Issue lead with a standard news story or headline,
 22 this information is relevant to the determination of how much, if any, of Plaintiff’s
 23 Jokes At Issue are original to Plaintiff. *Feist Publications, Inc. v. Rural Tel. Serv.*
 24 *Co.*, 499 U.S. 340, 345 (1991) (“To qualify for copyright protection, a work must be
 25 original to the author.”). Thus, this Court should require Plaintiff to supplement his
 26 responses to Interrogatory Nos. 3 and 4 to provide a complete response sufficient to
 27 identify the date created, the method of creation, and the news sources reviewed for
 28 each of the Jokes At Issue.

1 **4. Interrogatory Nos. 7 and 8**

2 Interrogatory No. 7 asks Plaintiff to state all facts establishing a chain of events
3 linking the Jokes At Issue and Defendants’ access thereof. Huskins Decl., Ex. A.
4 Interrogatory No. 8 asks Plaintiff to state all facts establishing the Jokes At Issue have
5 been widely disseminated. *Id.* In response, Plaintiff objects to the terms “chain of
6 events” and “widely disseminated” before again improperly referencing the
7 Complaint. *See Guerrero*, 2011 WL 4566130, at *6; *United States ex rel. O’Connell*,
8 245 F.R.D. at 650; *McClellan*, 2015 WL 4598871, at *4. Plaintiff’s answer provided
9 no substantive, narrative response. Huskins Decl., Ex. C.

10 The objected-to terms have clear meaning in a copyright context, which are
11 relevant to analyzing Defendants’ access in this case. In the Ninth Circuit,
12 “[c]ircumstantial evidence of reasonable access is proven in one of two ways: (1) a
13 particular *chain of events* is established between the plaintiff’s work and the
14 defendant’s access to that work...or (2) the plaintiff’s work has been *widely*
15 *disseminated.*” *Three Boys Music Corp. v. Bolton*, 212 F.3d 477, 482 (9th Cir. 2000)
16 (emphasis added). This is a copyright infringement action; Plaintiff’s counsel should
17 be aware of the controlling case law. Nevertheless, Defendants’ counsel provided this
18 case law to Plaintiff’s counsel to avoid any doubt as to meaning of the purportedly
19 vague and ambiguous terms. Huskins Decl., Ex. E. Thus, Conaco requests that this
20 Court order Plaintiff to provide complete, accurate, and narrative supplemental
21 responses to these Interrogatories, applying the meaning to the purportedly
22 ambiguous terms as understood by the Ninth Circuit in the *Three Boys* opinion.

23 **5. Interrogatory Nos. 11 and 12**

24 Interrogatory No. 11 asks Plaintiff to identify every instance within the last five
25 years in which Plaintiff has sold his original content, and to identify the content sold.
26 Huskins Decl., Ex. A. Interrogatory No. 12 asks Plaintiff to identify the
27 compensation received from the instances identified in Interrogatory No. 11, and to
28 identify the purchaser. *Id.*

1 In response, Plaintiff asserted relevance and privacy objections, and failed to
 2 offer any substantive, narrative answer. *Id.*, Ex. C. First, information concerning the
 3 purchase of Plaintiff's content is directly relevant to the quantification of potential
 4 damages at issue in this case. Plaintiff's infringement claim is based on the allegedly-
 5 infringing use of a single joke in the "Conan" show monologue. By his own
 6 admission, Plaintiff has sold jokes to late-night talk shows, including the Tonight
 7 Show with Jay Leno. Huskins Decl., Ex. G. The compensation Plaintiff received for
 8 the sale of a joke used in a late-night comedy show provides the most relevant
 9 indicator of the fair market value of the allegedly-infringed Jokes At Issue.

10 Additionally, to the extent Plaintiff objects to the Interrogatories on the grounds
 11 that they seek private, confidential information, this objection is disingenuous.
 12 During the meet and confer, Defendants' counsel offered to Plaintiff's counsel that to
 13 the extent the responses to these Interrogatories called for the disclosure of
 14 confidential information, it would be treated subject to the terms of the draft
 15 protective order presently being negotiated between the parties. Huskins Decl., ¶ 2.
 16 Notably, it is Plaintiff's counsel who disputes that non-public financial information
 17 should be treated as "Highly Confidential – Attorneys' Eyes Only" material in this
 18 case and who is forcing Defendants to bring a motion for entry of protective order on
 19 the sole basis that Plaintiff wants to see Defendants' financial information in this suit.
 20 *Id.* n.1. Plaintiff cannot, on the one hand, refuse to provide information because it
 21 supposedly "seeks private confidential information" and then refuse to enter into a
 22 standard protective order that would properly protect such information, simply to
 23 avoid complying with his discovery obligations.

24 Thus, Plaintiff's objections are meritless, and this Court should order Plaintiff
 25 to supplement his responses to provide sufficient information relating to the purchaser
 26 and compensation received for any content sold by Plaintiff.

27 **6. Interrogatory Nos. 15 and 16**

28 Interrogatory No. 15 asks for the factual basis and grounds for Plaintiff's

1 infringement claim. *Id.*, Ex. A. Interrogatory No. 16 asks Plaintiff to provide support
 2 for his contention that the alleged infringement was willful. *Id.* After incorporating
 3 by reference his General Objections, Plaintiff's response to each was the same:
 4 "Respondent further objects to this Interrogatory on the basis that it is overbroad,
 5 vague and ambiguous and is already contained in Respondent's complaint." *Id.*, Ex.
 6 C. Again, Plaintiff's response improperly references the Complaint and fails to
 7 provide any narrative response. *See Guerrero*, 2011 WL 4566130, at *6; *United*
 8 *States ex rel. O'Connell*, 245 F.R.D. at 650; *McClellan*, 2015 WL 4598871, at *4.
 9 And again, Plaintiff's counsel refused to agree to supplement this answer with a
 10 proper narrative response. Huskins Decl., Ex. F.

11 Moreover, under 17 U.S.C. § 504, willful infringement raises the potential
 12 statutory damages to \$150,000 per work, as opposed to a maximum of \$30,000 absent
 13 a showing of willfulness. Thus, this information is critical in assessing the potential
 14 damages in this case. As such, the Court should order Plaintiff to provide a complete,
 15 narrative response to these Interrogatories detailing the factual basis for the claims,
 16 allegations, and contentions advanced by Plaintiff in his Complaint.

17 **B. REQUESTS FOR ADMISSION**

18 Requests for admission are designed to expedite trial by establishing certain
 19 material facts as true and thus narrowing the range of issues for trial. *Safeco of*
 20 *America v. Rawstron*, 181 F.R.D. 441, 445 (C.D. Cal. 1998). It is not grounds for
 21 objection that the request is ambiguous unless it is so ambiguous that the responding
 22 party cannot, in good faith, frame an intelligent reply. *See Marchland v. Mercy Med.*
 23 *Ctr.*, 22 F.3d 933, 938 (9th Cir. 1994). The "requesting party may move to determine
 24 the sufficiency of an answer or objection." Fed. R. Civ. P. 26(a)(6).

25 In accordance with Rule 36, Conaco's RFAs simply attempt to establish
 26 material facts that will assist Defendants in framing their defense. In each and every
 27 response, Plaintiff objects to ordinary, everyday terms as "vague and ambiguous," and
 28 denies each RFA. During the meet and confer, Defendants' counsel sought clarity as

1 to whether Plaintiff's denials were based on its objections, or on the substance of the
 2 Request. Huskins Decl., ¶ 2. Plaintiff's counsel agreed Plaintiff would supplement
 3 all RFA responses to make this clear. *Id.*, Ex. F. To date, Plaintiff has not done so.
 4 Nor has Plaintiff provided supplemental responses addressing the following
 5 deficiencies raised during the parties' meet and confer.

6 **1. Requests for Admission Nos. 2-5**

7 RFA Nos. 2-5 ask for an admission from Plaintiff that the Jokes At Issue were
 8 not identical to the corresponding joke told in the "Conan" show monologue (the
 9 "Monologue Jokes"). *Id.*, Ex. B. Plaintiff objected to the requests on the grounds that
 10 "identical" is vague and ambiguous, and the RFAs call for a legal conclusion. *Id.*, Ex.
 11 D. Setting aside the fact that there is nothing vague about the term "identical", like
 12 the Interrogatories, Conaco's RFAs included an instruction that "If YOU object to
 13 any meaning of any term in any Request herein as unclear to YOU, YOU shall
 14 assume a reasonable meaning, state what the assumed meaning is, and respond to the
 15 Request according to the assumed meaning." *Id.*, Ex. B. Plaintiff's failure to comply
 16 with this instruction notwithstanding, during the meet and confer and in follow-up
 17 correspondence, Defendants' counsel made clear that Plaintiff should understand
 18 "identical" to mean a word-for-word copy. *Id.*, Ex. F.

19 Plaintiff's objection that the RFA calls for a legal conclusion is equally
 20 baseless. By any fair reading of this request, the RFA simply asks Plaintiff to admit
 21 or deny a fact – not to draw any legal conclusions. Plaintiff identifies no question of
 22 law or legal conclusion sought in these RFAs. Moreover, it is objectively clear that
 23 the Jokes At Issue are not literal, word-for-word copies of Defendants' Monologue
 24 Jokes. Defendants seek an admission establishing that certainty to focus any future
 25 infringement analysis. Thus, Defendants ask that this Court require Plaintiff to
 26 supplement his response, applying the commonly understood meaning of "identical."

27 **2. Requests for Admission Nos. 6-7**

28 Interrogatory No. 6 asks Plaintiff to "[s]tate all facts relating to Defendants'

1 opportunity to view or copy the Jokes At Issue.” *Id.*, Ex. B. In response, Plaintiff
 2 answered “Respondent maintains a Facebook, twitter, and blog page that are all
 3 publicly available and accessible.” *Id.*, Ex. D. Plaintiff’s counsel has confirmed this
 4 is Plaintiff’s complete response. *Id.*, Ex. F. However, RFA No. 6 asks Plaintiff to
 5 “[a]dmit that the only evidence YOU have of Defendants’ access to the Jokes At Issue
 6 prior to Defendants’ alleged infringement is YOUR publication of the Jokes At Issue
 7 on your Twitter account, personal online blog, or Facebook page.” *Id.*, Ex. B.
 8 Similarly, RFA No. 7 asks Plaintiff to “[a]dmit that YOU are not aware of any
 9 Defendant following or viewing his online personal blog, Twitter account, or
 10 Facebook page prior to February 4, 2015.” *Id.* Plaintiff denied each. *Id.*, Ex. D.

11 Plaintiff’s responses to RFA Nos. 6 and 7 directly contradict his response to
 12 Interrogatory No. 6. Parties responding to discovery requests “have a duty to provide
 13 true, explicit, responsive, and complete and candid answers to discovery, and their
 14 attorneys have a continuing duty to advise their clients of their duty to make honest,
 15 complete, non-evasive discovery disclosures.” *Coburn v. PN II, Inc.*, 2008 WL
 16 879746, at *2 (D. Nev. Mar. 28, 2008) (internal citation omitted). Moreover, “[a]
 17 responding party must supplement his initial disclosures and discovery responses if he
 18 learns that ‘in some material respect the disclosure or response is incomplete or
 19 incorrect, and if the additional or corrective information has not otherwise been made
 20 known to the other parties during the discovery process or in writing.’” *Lefever v.*
 21 *Nicholson*, 2012 WL 5406464, at *2 (D. Nev. Nov. 5, 2012) (quoting Fed. R. Civ. P.
 22 26(e)). Here, there is no plausible way to read Plaintiff’s inconsistent responses to
 23 Interrogatory No. 6 and RFA Nos. 6 and 7 and reach the conclusion that Plaintiff has
 24 met his duty to provide complete and candid answers.

25 Thus, Defendants respectfully request the Court compel Plaintiff to supplement
 26 his response to these RFAs to be consistent with his response to Interrogatory No. 6.
 27 If Plaintiff stands by his denial to these RFAs, he must supplement his response to
 28 Interrogatory No. 6 to offer a complete set of facts that sufficiently justify the denials.

1 **III. CONCLUSION**

2 Based on the foregoing, Defendants respectfully request that the Court compel
 3 Plaintiff to supplement its responses to Interrogatory Nos. 1-4, 7-8, 11-12, and 15-16,
 4 and all RFAs, including supplementing RFA Nos. 2-7 to resolve the specific issues
 5 identified herein. Because of Plaintiff's bad-faith failure to comply with simple,
 6 essential discovery, Defendants additionally request monetary sanctions for the fees
 7 and costs associated with bringing this motion, pursuant to 28 U.S.C. § 1927.

8
 9 **PLAINTIFFS' MEMORANDUM OF POINTS AND AUTHORITIES**

10
 11 DATED: June 9, 2016

GLASER WEIL FINK HOWARD
 AVCHEN & SHAPIRO LLP

12
 13 By: /s/ Erica J. Van Loon

14 PATRICIA L. GLASER
 15 ERICA J. VAN LOON
 16 NICHOLAS E. HUSKINS
 17 BRITTANY ELIAS
Attorneys for Defendants

18
 19 DATED: June 9, 2016

JAYSON M. LORENZO

20
 21 By: /s/

22 JAYSON M. LORENZO
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certified that all counsel of record who are deemed to have consented to electronic service were served with a copy of the foregoing document via the Court's CM/ECF system per Section 2.d.2. of the Southern District of California's Electronic Case Filing Administrative Policies and Procedures Manual on June 9, 2016:

1. Joint Motion for Determination of Discovery Dispute;
2. Declaration of Nicholas Huskins.

DATED:

GLASER WEIL FINK HOWARD
AVCHEN & SHAPIRO LLP

By: /s/ Erica J. Van Loon
ERICA J. VAN LOON

GlaserWeil

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8 *Attorneys for Defendants*

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
11

12 ROBERT ALEXANDER KASEBERG,

13 Plaintiff,

14 v.

15 CONACO, LLC, TURNER
16 BROADCASTING SYSTEM, TIME
17 WARNER, INC., CONAN O'BRIEN,
JEFF ROSS, MIKE SWEENEY; DOES
18 1-50, inclusive,

19 Defendants.
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CASE NO.: 3:15-CV-01637-JLS-DHB

Hon. David H. Bartick

**DECLARATION OF NICHOLAS
HUSKINS**

DECLARATION OF NICHOLAS HUSKINS

I, NICHOLAS HUSKINS, declare and state as follows:

1. I am an attorney at law duly licensed to practice before all courts of the State of California and am an Associate of the law firm of Glaser Weil Fink Howard Avchen & Shapiro LLP, attorneys of record herein for Defendants Conaco, LLC (“Conaco”); Turner Broadcasting System, Inc.; Time Warner, Inc.; Conan O’Brien; Jeff Ross; and Mike Sweeney (collectively, “Defendants”). I make this declaration in support of Defendants’ position in the Joint Motion for Determination of Discovery Dispute. The facts set forth herein are true of my own personal knowledge, and if called upon to testify thereto, I could and would competently do so under oath.

2. On May 18, 2016, I met and conferred with Plaintiff’s counsel, pursuant to Civil Local Rule 26.1.a. During the meet and confer, I explained the basis for Defendants’ contention that several of Plaintiff’s discovery responses were deficient. Plaintiff’s counsel agreed to seek supplemental responses from his client for the discovery requests at issue. In response to Plaintiff’s objections that Interrogatory Nos. 10-13 called for confidential information, I represented that such information would be treated pursuant to the agreed-upon terms of the protective order currently being negotiated between the parties, and offered to treat such information as “Attorneys’ Eyes Only” if Plaintiff’s counsel agreed non-public financial information should be treated thusly.¹ With respect to the requests in which Plaintiff objected as vague and ambiguous, Plaintiff’s counsel represented after some discussion that he understood the intent of the requests, and that Plaintiff would supplement accordingly. Finally, I stated that it was unclear from Plaintiff’s responses to what extent Plaintiff’s denials to Defendants’ First Set of Requests for Admission were

¹ The parties have agreed to a two-tier Protective Order governing discovery in this action. The sole issue in dispute is whether, as Defendants’ contend, the disclosure of non-public financial information should be subject to an “Attorneys’ Eyes Only” designation. Plaintiff’s counsel maintains his client is entitled to see this information.

GlaserWeil

1 based on Plaintiff's objections, as opposed to the substance of the request.

2 3. Attached as **Exhibit A** is a true and correct copy of Conaco's First Set of
3 Interrogatories to Plaintiff Robert Alexander Kaseberg, served on March 24, 2016.

4 4. Attached as **Exhibit B** is a true and correct copy of Conaco's First Set of
5 Requests for Admission to Plaintiff Robert Alexander Kaseberg, served on March 24,
6 2016.

7 5. Attached as **Exhibit C** is a true and correct copy of Plaintiff's Response
8 to Conaco, LLC's First Set of Interrogatories, served on April 25, 2016.

9 6. Attached as **Exhibit D** is a true and correct copy of Plaintiff's Response
10 to Conaco, LLC's First Set of Requests for Admission, served on April 25, 2016.

11 7. Attached as **Exhibit E** is a true and correct copy of the meet and confer
12 letter I sent to Plaintiff's counsel on May 9, 2016.

13 8. Attached as **Exhibit F** is a true and correct copy of an email chain
14 between myself and Plaintiff's counsel, dated May 19, 2016 – May 31, 2016.

15 9. Attached as **Exhibit G** is a true and correct copy of a post from
16 Plaintiff's personal online blog, dated Thursday, February 19, 2015, and bates labeled
17 CONACO_000019-23.

18 I declare under penalty of perjury pursuant to the laws of the United States of
19 America that the foregoing facts are true and correct.

20 Executed on June 9, at Los Angeles, California.

21
22
23
24 _____
25 NICHOLAS HUSKINS
26
27
28

Exhibit A

1 PATRICIA L. GLASER – State Bar No. 55668
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Facsimile: (310) 556-2920
7 *Attorneys for Defendants*

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 ROBERT ALEXANDER KASEBERG,

12 Plaintiff,

13 v.

14 CONACO, LLC, TURNER
15 BROADCASTING SYSTEM, TIME
WARNER, INC., CONAN O'BRIEN,
16 JEFF ROSS, MIKE SWEENEY; DOES
1-50, inclusive,
17

18 Defendants.
19
20
21

CASE NO.: 15-CV-01637-JLS-DHB

Hon. Janis L. Sammartino

**CONACO, LLC'S FIRST SET OF
INTERROGATORIES TO
PLAINTIFF ROBERT
ALEXANDER KASEBERG**

22 PROPOUNDING PARTY: CONACO, LLC

23 RESPONDING PARTY: ROBERT ALEXANDER KASEBERG

24 SET NO.: ONE
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Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Local Civil Rules of the U.S. District Court for the Southern District of California, Defendant Conaco, LLC hereby requests that Plaintiff Robert Alexander Kaseberg (“Kaseberg”) answer separately and fully the following interrogatories in writing under oath within thirty (30) days after service.

DEFINITIONS

A. The terms “YOU,” “YOUR,” “YOURSELF,” and “KASEBERG” shall mean Plaintiff Robert Alexander Kaseberg and his agents, representatives, attorneys, or anyone acting or purporting to act on his behalf or under his control.

B. The term “CONACO” shall mean Conaco, LLC and its current and former parents, subsidiaries, affiliates, predecessors, successors, employees, managers, officers, directors, partners, agents, representatives, attorneys, or anyone acting or purporting to act on its behalf or under its control.

C. The term “TBS” shall mean Turner Broadcasting System, Inc. and its current and former parents, subsidiaries, affiliates, predecessors, successors, employees, managers, officers, directors, partners, agents, representatives, attorneys, or anyone acting or purporting to act on its behalf or under its control.

D. The term “TIME WARNER” shall mean Time Warner, Inc. and its current and former parents, subsidiaries, affiliates, predecessors, successors, employees, managers, officers, directors, partners, agents, representatives, attorneys, or anyone acting or purporting to act on its behalf or under its control.

E. The term “JEFF ROSS” shall mean the individually named defendant, Jeff Ross.

F. The term “MIKE SWEENEY” shall mean the individually named defendant, Mike Sweeney.

G. The terms “CONACO”, “TBS”, “TIME WARNER”, “JEFF ROSS” and “MIKE SWEENEY” will be referred to collectively as “DEFENDANTS.”

H. The term “ACTION” shall mean the above captioned case filed in the

1 U.S. District Court for the Southern District of California, *Kaseberg. v. Conaco, LLC*,
 2 *et. al.*, No. 3:15-cv-01637-JLS-DHB.

3 I. The term “COMPLAINT” shall mean the complaint filed on July 22,
 4 2015 by KASEBERG in this ACTION (ECF. No. 1).

5 J. The term “JOKE #1” shall have the same meaning as in the
 6 COMPLAINT, and shall refer to the following alleged joke by KASEBERG: “A
 7 Delta flight this week took off from Cleveland to New York with just two passengers.
 8 And they fought over control of the armrest the entire flight.”

9 K. The term “JOKE #2” shall have the same meaning as in the
 10 COMPLAINT, and shall refer to the following alleged joke by KASEBERG: “Tom
 11 Brady said he wants to give his MVP truck to the man who won the game for the
 12 Patriots. So enjoy that truck, Pete Carroll.”

13 L. The term “JOKE #3” shall have the same meaning as in the
 14 COMPLAINT, and shall refer to the following alleged joke by KASEBERG: “The
 15 Washington Monument is ten inches shorter than previously thought. You know the
 16 winter has been cold when a monument suffers from shrinkage.”

17 M. The term “JOKE #4” shall have the same meaning as in the
 18 COMPLAINT, and shall refer to the following alleged joke by KASEBERG: “Three
 19 streets named Bruce Jenner might have to change names. And one could go from a
 20 Cul-de-Sac to a Cul-de-Sackless.”

21 N. The term “JOKES AT ISSUE” shall mean JOKE #1, JOKE #2, JOKE
 22 #3, and JOKE #4, collectively.

23 O. The term “DOCUMENT” is defined to be synonymous in meaning and
 24 equal in scope to the usage of this term in Rule 34(a) of the Federal Rules of Civil
 25 Procedure, and includes, without limitation, electronically stored information (“ESI”).

26 P. “COMMUNICATION” means any contact whatsoever or any
 27 transmission or exchange of words, numbers, graphic material, or other information,
 28 either orally, electronically, or in writing whether made, received, or participated in,

1 and includes, but is not limited to, any conversation, correspondence, letter, notes,
 2 memorandum, inter-office or intra-office correspondence, telephone call, telegraph,
 3 telegram, telex, telecopy, facsimile, e-mail, Internet communication, telefax, cable,
 4 electronic message, tape recording, discussion, face-to-face meeting, or conference of
 5 any kind (whether in person, by audio, video, telephone, or in any other form).

6 Q. The term “identify” means to state with factual specificity.

7 R. “And” and “or” shall be understood as either conjunctive or disjunctive,
 8 whichever is more inclusive in content. The term “any” or “each” should be
 9 understood to include and encompass “all.”

10 S. The terms “relating to” and “related to” shall mean, in whole or in part,
 11 constituting, containing, comprising, referring to, embodying, connected to,
 12 reflecting, describing, analyzing, showing, evidencing, discussing, identifying,
 13 illustrating, stating, regarding, supporting, refuting, rebutting, responding to,
 14 commenting on, evaluating, about, in respect of, mentioning, dealing with, or in any
 15 way pertaining to, either explicitly or implicitly.

16 T. “Including” and “include” shall mean “without limitation.”

17 U. “Any” and “all” shall mean “any and all” or “each and every.”

18 V. The use of a verb in any tense shall be construed as including the use of
 19 the verb in all other tenses.

20 W. The singular form of any word shall be deemed to include the plural.
 21 The plural form of any word shall be deemed to include the singular.

22 X. Terms not defined in these discovery requests shall have the meanings
 23 used in the pleadings or, if not used in the pleadings, the usual and ordinary meaning.

24 **INSTRUCTIONS**

25 1. If YOU object to the scope or breadth of any of these interrogatories,
 26 YOU shall respond to the interrogatories with respect to the scope or breadth not
 27 objected to.

28 2. If any of these interrogatories cannot be answered in full, YOU shall

1 answer to the extent possible, specifying the reasons for YOUR inability to answer
 2 the remainder, and stating what information, knowledge, or belief YOU have
 3 concerning the unanswered portion.

4 3. If YOU object to any meaning of any term in any interrogatory herein as
 5 unclear to YOU, YOU shall assume a reasonable meaning, state what the assumed
 6 meaning is, and respond to the request according to the assumed meaning.

7 4. If YOU object to any of these interrogatories on the basis that you have
 8 not completed your investigation or preparation for trial, YOU shall respond with
 9 respect to the investigation and preparation you have conducted to date.

10 5. These requests are continuing in character so as to require YOU to
 11 supplement YOUR responses in accordance with Rule 26(e) of the Federal Rules of
 12 Civil Procedure within a reasonable time if YOU obtain or become aware of any
 13 further information responsive to these interrogatories.

14 6. Definitions or usages of words or phrases in these interrogatories are not
 15 intended to be, and shall not be, construed as admissions as to the meaning of words
 16 or phrases at issue in the actions, and shall have no binding effect on the Propounding
 17 Party in this or in any other proceeding.

18 7. CONACO reserves the right to seek a full and complete response to any
 19 interrogatory notwithstanding any partial or incomplete answer provided by YOU.

20 8. Unless otherwise indicated in a particular request, each request is not
 21 limited in time.

22 **INTERROGATORIES**

23 **INTERROGATORY NO. 1:**

24 Separately, for each of the JOKES AT ISSUE, identify the time, date, and
 25 forum for every instance of publication.

26 **INTERROGATORY NO. 2:**

27 Separately, for each of the JOKES AT ISSUE, identify the original and unique
 28 components YOU believe DEFENDANTS have unlawfully copied.

INTERROGATORY NO. 3:

For each of the JOKES AT ISSUE, describe in detail YOUR conception, development, creation, and authorship.

INTERROGATORY NO. 4:

For each of the JOKES AT ISSUE, state all facts relating to YOUR independent creation thereof, including specific details sufficient to identify the websites and/or other news and information sources you visited that provided the content to which each of the JOKES AT ISSUE relate.

INTERROGATORY NO. 5:

State all facts relating to YOUR ownership of the copyrights related to the JOKES AT ISSUE.

INTERROGATORY NO. 6:

State all facts relating to DEFENDANTS' opportunity to view or copy the JOKES AT ISSUE.

INTERROGATORY NO. 7:

State all facts establishing a chain of events linking the JOKES AT ISSUE and DEFENDANTS' access thereof.

INTERROGATORY NO. 8:

State all facts establishing the JOKES AT ISSUE have been widely disseminated.

INTERROGATORY NO. 9:

Identify all persons with any knowledge of any of the facts YOU stated in YOUR response to Interrogatories Nos. 1-8.

INTERROGATORY NO. 10:

Identify every instance within the last five years in which YOU have submitted YOUR alleged original content to a television show, web or print publication, or other media entity either for compensation or consideration for an employment position.

INTERROGATORY NO. 11:

1 Identify every instance within the last five years in which YOU have sold any
2 of YOUR original content and identify the original content YOU sold.

3 **INTERROGATORY NO. 12:**

4 Separately, for each instance identified in YOUR response to Interrogatory No.
5 11, identify the contact information for each purchaser, including name, address,
6 phone number and email address and the amount of compensation YOU received.

7 **INTERROGATORY NO. 13:**

8 Please state with particularity YOUR understanding of the fair market value for
9 a joke in the same or similar format as the JOKES AT ISSUE, and on what basis you
10 reached that understanding.

11 **INTERROGATORY NO. 14:**

12 State with particularity how YOU calculated or quantified the amount of
13 damages YOU claim to have suffered as a result of DEFENDANTS' purported
14 infringement, as alleged in the COMPLAINT.

15 **INTERROGATORY NO. 15:**

16 State all facts that support YOUR Copyright Infringement claim against
17 DEFENDANTS, as alleged in the COMPLAINT.

18 **INTERROGATORY NO. 16:**

19 State all facts relating to YOUR contention in paragraph 29 of the
20 COMPLAINT that DEFENDANTS' "infringement has been willful or deliberate."
21

22 DATED: March 24, 2016

GLASER WEIL FINK
HOWARD AVCHEN & SHAPIRO LLP

24 By: /s/ Erica J. Van Loon
25 PATRICIA L. GLASER
26 ERICA J. VAN LOON
27 BRITTANY ELIAS
28 *Attorneys for Defendants*

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 10250 Constellation Boulevard, 19th Floor, Los Angeles, California 90067.

On March 24, 2016, I served the foregoing document(s) described as: **CONACO, LLC'S FIRST SET OF INTERROGATORIES TO ROBERT ALEXANDER KASEBERG** on the interested parties to this action at the following address(es):

SEE ATTACHED LIST

☐ **(BY MAIL)** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

☐ **(BY ELECTRONIC SERVICE)** by causing the foregoing document(s) to be electronically filed using the Court's Electronic Filing System which constitutes service of the filed document(s) on the individual(s) listed on the attached mailing list.

☒ **(BY E-MAIL SERVICE)** I caused such document to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.

☐ **(BY OVERNIGHT DELIVERY)** I served the foregoing document by FedEx, an express service carrier which provides overnight delivery, as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.

☐ **(BY FACSIMILE)** I caused the above-referenced document to be transmitted to the interested parties via facsimile transmission to the fax number(s) as stated on the attached service list.

☐ **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the above named addressee(s).

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on March 24, 2016, at Los Angeles, California.

/s/ Nicholas E. Huskins
Nicholas E. Huskins

SERVICE LIST

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Attorney for Plaintiff
Robert Alexander Kaseberg

Exhibit B

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Telephone: (310) 553-3000
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Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ROBERT ALEXANDER KASEBERG,

Plaintiff,

v.

CONACO, LLC; TURNER
BROADCASTING SYSTEM; TIME
WARNER, INC.; CONAN O'BRIEN;
JEFF ROSS; MIKE SWEENEY; DOES
1-50, inclusive,

Defendants.

CASE NO.: 15-CV-01637-JLS-DHB

Hon. Janis L. Sammartino

**CONACO, LLC'S FIRST SET OF
REQUESTS FOR ADMISSION TO
ROBERT ALEXANDER
KASEBERG**

PROPOUNDING PARTY: CONACO, LLC.

RESPONDING PARTY: ROBERT ALEXANDER KASEBERG

SET NO.: ONE

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and the Local Civil Rules of the U.S. District Court for the Southern District of California, Defendant Conaco, LLC hereby requests that Plaintiff Robert Alexander Kaseberg (“Kaseberg”) answer separately and fully the following Requests for Admission in writing under oath within thirty (30) days after service.

DEFINITIONS

A. The terms “YOU,” “YOUR,” “YOURSELF,” and “KASEBERG” shall mean Plaintiff Robert Alexander Kaseberg and his agents, representatives, attorneys, or anyone acting or purporting to act on his behalf or under his control.

B. The term “CONACO” shall mean Conaco, LLC and its current and former parents, subsidiaries, affiliates, predecessors, successors, employees, managers, officers, directors, partners, agents, representatives, attorneys, or anyone acting or purporting to act on its behalf or under its control.

C. The term “TBS” shall mean Turner Broadcasting System, Inc. and its current and former parents, subsidiaries, affiliates, predecessors, successors, employees, managers, officers, directors, partners, agents, representatives, attorneys, or anyone acting or purporting to act on its behalf or under its control.

D. The term “TIME WARNER” shall mean Time Warner, Inc. and its current and former parents, subsidiaries, affiliates, predecessors, successors, employees, managers, officers, directors, partners, agents, representatives, attorneys, or anyone acting or purporting to act on its behalf or under its control.

E. The term “JEFF ROSS” shall mean the individually named defendant, Jeff Ross.

F. The term “MIKE SWEENEY” shall mean the individually named defendant, Mike Sweeney.

G. The terms “CONACO”, “TBS”, “TIME WARNER”, “JEFF ROSS” and “MIKE SWEENEY” will be referred to collectively as “DEFENDANTS.”

H. The term “ACTION” shall mean the above captioned case filed in the

1 U.S. District Court for the Southern District of California, *Kaseberg. v. Conaco, LLC*,
 2 *et. al.*, No. 3:15-cv-01637-JLS-DHB.

3 I. The term “COMPLAINT” shall mean the complaint filed on July 22,
 4 2015 by KASEBERG in this ACTION (ECF No. 1).

5 J. The term “JOKE #1” shall have the same meaning as in the
 6 COMPLAINT, and shall refer to the following alleged joke by KASEBERG: “A
 7 Delta flight this week took off from Cleveland to New York with just two passengers.
 8 And they fought over control of the armrest the entire flight.”

9 K. The term “DEFENDANTS’ JOKE #1” shall refer to the following joke
 10 as it was told in the monologue for the “Conan” show on Wednesday, January 14,
 11 2015: “On Monday, a Delta flight from Cleveland to New York took off with just 2
 12 passengers. Yet somehow, they spent the whole flight fighting over the armrest.”

13 L. The term “JOKE #2” shall have the same meaning as in the
 14 COMPLAINT, and shall refer to the following alleged joke by KASEBERG: “Tom
 15 Brady said he wants to give his MVP truck to the man who won the game for the
 16 Patriots. So enjoy that truck, Pete Carroll.”

17 M. The term “DEFENDANTS’ JOKE #2” shall refer to the following joke
 18 as it was told in the monologue for the “Conan” show on Wednesday, February 4,
 19 2015: “Tom Brady said he wants to give the truck he was given as the Super Bowl
 20 MVP to the guy who won the Super Bowl for the Patriots. So Brady is giving his
 21 truck to Seahawks Coach Pete Carroll.”

22 N. The term “JOKE #3” shall have the same meaning as in the
 23 COMPLAINT, and shall refer to the following alleged joke by KASEBERG: “The
 24 Washington Monument is ten inches shorter than previously thought. You know the
 25 winter has been cold when a monument suffers from shrinkage.”

26 O. The term “DEFENDANTS’ JOKE #3” shall refer to the following joke
 27 as it was told in the monologue for the “Conan” show on Tuesday, February 17, 2015:
 28 “Yesterday, surveyors announced that the Washington Monument is ten inches

1 shorter than what's been recorded. Of course the Monument is blaming the shrinkage
2 on the cold weather."

3 P. The term "JOKE #4" shall have the same meaning as in the
4 COMPLAINT, and shall refer to the following alleged joke by KASEBERG: "Three
5 streets named Bruce Jenner might have to change names. And one could go from a
6 Cul-de-Sac to a Cul-de-Sackless."

7 Q. The term "DEFENDANTS' JOKE #4" shall refer to the following joke
8 as it was told in the monologue for the "Conan" show on Tuesday, June 9, 2015:
9 "Some cities that have streets named after Bruce Jenner are trying to change the
10 streets' names to Caitlyn Jenner. And if you live on Bruce Jenner Cul-de-Sac, it will
11 now be called a Cul-de-No-Sac."

12 R. The term "JOKES AT ISSUE" shall mean JOKE #1, JOKE #2, JOKE
13 #3, and JOKE #4, collectively.

14 S. The term "DEFENDANTS' JOKES AT ISSUE" shall mean
15 DEFENDANTS' JOKE #1, DEFENDANTS' JOKE #2, DEFENDANTS' JOKE #3,
16 and DEFENDANTS' JOKE #4, collectively.

17 T. The term "PERSONAL ONLINE BLOG" shall have the same meaning
18 as in the COMPLAINT, and refer to the website maintained by YOU and titled "A
19 Little Bit Bad. Comedy Writer Alex Kaseberg", available at the URL:
20 <http://thordoggie.blogspot.com>.

21 U. The term "TWITTER ACCOUNT" shall mean the Twitter.com account
22 @AlexKaseberg, maintained by YOU, available at the URL:
23 <https://twitter.com/AlexKaseberg>.

24 V. The term "FACEBOOK PAGE" shall mean the Facebook profile
25 maintained by YOU, available at the URL: <https://facebook.com/alex.kaseberg>.

26 W. The term "DOCUMENT" is defined to be synonymous in meaning and
27 equal in scope to the usage of this term in Rule 34(a) of the Federal Rules of Civil
28 Procedure, and includes, without limitation, electronically stored information ("ESI").

X. “COMMUNICATION” means any contact whatsoever or any transmission or exchange of words, numbers, graphic material, or other information, either orally, electronically, or in writing whether made, received, or participated in, and includes, but is not limited to, any conversation, correspondence, letter, notes, memorandum, inter-office or intra-office correspondence, telephone call, telegraph, telegram, telex, telecopy, facsimile, e-mail, Internet communication, telefax, cable, electronic message, tape recording, discussion, face-to-face meeting, or conference of any kind (whether in person, by audio, video, telephone, or in any other form).

Y. “And” and “or” shall be understood as either conjunctive or disjunctive, whichever is more inclusive in content. The term “any” or “each” should be understood to include and encompass “all.”

Z. The terms “relating to” and “related to” shall mean, in whole or in part, constituting, containing, comprising, referring to, embodying, connected to, reflecting, describing, analyzing, showing, evidencing, discussing, identifying, illustrating, stating, regarding, supporting, refuting, rebutting, responding to, commenting on, evaluating, about, in respect of, mentioning, dealing with, or in any way pertaining to, either explicitly or implicitly.

AA. “Including” and “include” shall mean “without limitation.”

BB. “Any” and “all” shall mean “any and all” or “each and every.”

CC. The use of a verb in any tense shall be construed as including the use of the verb in all other tenses.

DD. The singular form of any word shall be deemed to include the plural. The plural form of any word shall be deemed to include the singular.

EE. Terms not defined in these discovery requests shall have the meanings used in the pleadings or, if not used in the pleadings, the usual and ordinary meaning.

INSTRUCTIONS

1. If YOU fail to respond or object to any Request within 30 days of the service of the Requests, the matter shall be deemed admitted under Rule 36 of the

1 Federal Rules of Civil Procedure.

2 2. As is more fully set out in Rule 36(a) of the Federal Rules of Civil
3 Procedure, YOU must admit or deny each Request, and where necessary, specify the
4 parts of each Request to which it objects or cannot in good faith admit or deny. If
5 YOU object to only part of a Request, it must admit or deny the remainder of the
6 Request. In the event that YOU object to or deny any Request or portion of a
7 Request, YOU must state the reasons for its objection or denial.

8 3. These Requests shall be deemed continuing and supplemental answers
9 shall be required if YOU directly or indirectly obtain further information after the
10 initial responses as provided by Rule 26(e) of the Federal Rules of Civil Procedure.

11 4. Each Request solicits all information obtainable by YOU from YOUR
12 attorneys, investigators, agents, employees and representatives. If YOU answer a
13 Request on the basis that it lacks sufficient information to respond, describe any and
14 all efforts YOU made to inform YOURSELF of the facts and circumstances necessary
15 to answer or respond.

16 5. If YOU object to any meaning of any term in any Request herein as
17 unclear to YOU, YOU shall assume a reasonable meaning, state what the assumed
18 meaning is, and respond to the Request according to the assumed meaning.

19 6. Definitions or usages of words or phrases in these Requests are not
20 intended to be, and shall not be, construed as admissions as to the meaning of words
21 or phrases at issue in the action, and shall have no binding effect on the Propounding
22 Party in this or in any other proceeding.

23 7. Unless otherwise indicated in a particular Request, each Request is not
24 limited in time.

25 **REQUESTS FOR ADMISSION**

26 **REQUEST FOR ADMISSION NO. 1:**

27 Admit that when YOU spoke with MIKE SWEENEY on February 18, 2015,
28 regarding YOUR allegations in this ACTION, YOU sought a paid writing position on

1 the “Conan” television show.

2 **REQUEST FOR ADMISSION NO. 2:**

3 Admit that JOKE #1 is not identical to DEFENDANTS’ JOKE #1.

4 **REQUEST FOR ADMISSION NO. 3:**

5 Admit that JOKE #2 is not identical to DEFENDANTS’ JOKE #2.

6 **REQUEST FOR ADMISSION NO. 4:**

7 Admit that JOKE #3 is not identical to DEFENDANTS’ JOKE #3.

8 **REQUEST FOR ADMISSION NO. 5:**

9 Admit that JOKE #4 is not identical to DEFENDANTS’ JOKE #4.

10 **REQUEST FOR ADMISSION NO. 6:**

11 Admit that the only evidence YOU have of DEFENDANTS’ access to the
12 JOKES AT ISSUE prior to DEFENDANTS’ alleged infringement is YOUR
13 publication of the JOKES AT ISSUE on your TWITTER ACCOUNT, PERSONAL
14 ONLINE BLOG, or FACEBOOK PAGE.

15 **REQUEST FOR ADMISSION NO. 7:**

16 Admit that YOU are not aware of any DEFENDANT following or viewing
17 your PERSONAL ONLINE BLOG, TWITTER ACCOUNT, or FACEBOOK PAGE
18 prior to February 4, 2015.

19 **REQUEST FOR ADMISSION NO. 8:**

20 Admit that each and every one of the JOKES AT ISSUE utilizes a standard,
21 two-line, setup-punchline formula, in which the setup conveys a factual recitation of a
22 then-current event or news story, and the punchline conveys a humorous take on the
23 aforementioned current event or news story.

24 **REQUEST FOR ADMISSION NO. 9:**

25 Admit that you are aware of numerous third-parties publishing jokes
26 concerning the same factual then-current events or news stories, and conveying a
27 similar punchline as the JOKES AT ISSUE.

GlaserWeil

1 **REQUEST FOR ADMISSION NO. 10:**

2 Admit that the tweets attached hereto as Exhibit A were published prior to the
3 first instance YOU published JOKE #1.

4 **REQUEST FOR ADMISSION NO. 11:**

5 Admit that the tweets attached hereto as Exhibit B were published prior to the
6 first instance YOU published JOKE #2.

7 **REQUEST FOR ADMISSION NO. 12:**

8 Admit that the tweets attached hereto as Exhibit C were published prior to the
9 first instance YOU published JOKE #3.

10 **REQUEST FOR ADMISSION NO. 13:**

11 Admit that the tweets attached hereto as Exhibit D were published prior to the
12 first instance YOU published JOKE #4.

13
14 DATED: March 24, 2016

GLASER WEIL FINK
HOWARD AVCHEN & SHAPIRO LLP

15
16 By: /s/ Erica J. Van Loon
17 PATRICIA L. GLASER
18 ERICA J. VAN LOON
19 BRITTANY ELIAS
Attorneys for Defendants

EXHIBIT A




GlaserWeil

EXHIBIT B



Tre
@tblack

 Follow

Why not pete carroll? RT @AdamSchefter:
Super-Bowl MVP Tom Brady said on WEEI that
he wants to give his MVP truck to Malcolm
Butler.

8:40 AM - 3 Feb 2015

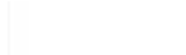


GlaserWeil

EXHIBIT C

Follow

Park services says the Washington Monument is shorter. Monument swears it's just cold outside washingtonpost.com/local/honey-th...



Follow

Government surveyors say the Washington monument is 10 inches shorter than it's been listed for the past 130 years. Time for a purple pill?

3:16 AM - 16 Feb 2015



Follow

The Washington Monument has been found to be 10 feet shorter than originally measured. I blame the cold weather for the shrinkage.

RETWEETS
2LIKES
3

8:32 AM - 16 Feb 2015

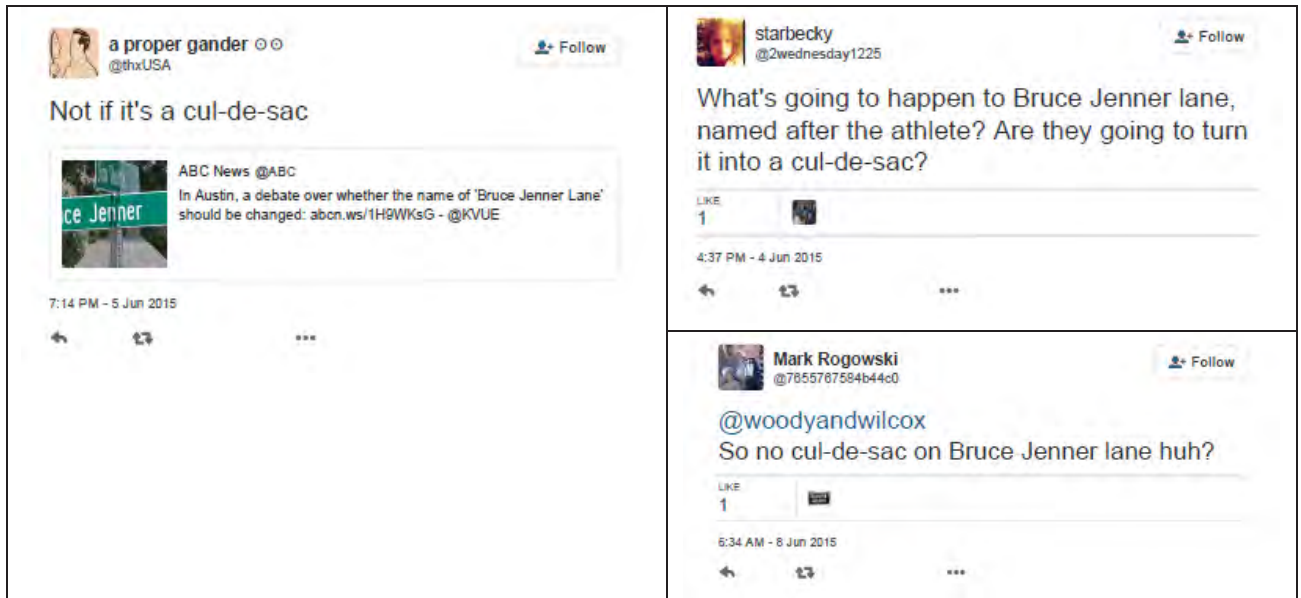


Follow

Washington monument is a few inches shorter than it claims. Blame it on shrinkage. Washington did lie 🖖 #PointsMe

5:14 PM - 16 Feb 2015

Glaser Weil

EXHIBIT D

GlaserWeil

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 10250 Constellation Boulevard, 19th Floor, Los Angeles, California 90067.

On March 24, 2016, I served the foregoing document(s) described as: **CONACO, LLC'S FIRST SET OF REQUESTS FOR ADMISSION TO ROBERT ALEXANDER KASEBERG** on the interested parties to this action at the following address(es):

SEE ATTACHED LIST

- ☐ **(BY MAIL)** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.
- ☐ **(BY ELECTRONIC SERVICE)** by causing the foregoing document(s) to be electronically filed using the Court's Electronic Filing System which constitutes service of the filed document(s) on the individual(s) listed on the attached mailing list.
- ☒ **(BY E-MAIL SERVICE)** I caused such document to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.
- ☐ **(BY OVERNIGHT DELIVERY)** I served the foregoing document by FedEx, an express service carrier which provides overnight delivery, as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.
- ☐ **(BY FACSIMILE)** I caused the above-referenced document to be transmitted to the interested parties via facsimile transmission to the fax number(s) as stated on the attached service list.
- ☐ **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the above named addressee(s).
- ☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- ☒ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on March 24, 2016, at Los Angeles, California.

/s/ Nicholas E. Huskins
Nicholas E. Huskins

SERVICE LIST

Jayson M. Lorenzo
2794 Gateway Road, Suite 116
Carlsbad, CA 92009
(Tel) 760-517-6646
(Fax) 760-520-7900
Jmlorenzo.esq@gmail.com
Attorney for Plaintiff
Robert Alexander Kaseberg

GlaserWeil

Exhibit C

Jayson M. Lorenzo, Esq. SBN 216973
jmlorenzo.esq@gmail.com
Attorney at Law
2794 Gateway Road, Suite 116
Carlsbad, CA 92009
Tel. (760) 517-6646
Fax (760) 520-7900

Attorney for Plaintiff
ROBERT ALEXANDER KASEBERG

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

ROBERT ALEXANDER KASEBERG,

Plaintiff,

vs.

CONACO, LLC; TURNER
BROADCASTING SYSTEM; TIME
WARNER, INC.; CONAN O'BRIEN;
JEFF ROSS; MIKE SWEENEY; DOES 1
– 10, inclusive,

Defendants.

Case No. 15-CV-01637-JLS-DHB

**PLAINTIFF'S RESPONSE TO
CONACO, LLC'S FIRST SET OF
INTERROGATORIES**

PROPOUNDING PARTY: CONACO, LLC

RESPONDING PARTY: ROBERT ALEXANDER KASEBERG

SET NO.: ONE

1 Plaintiff Robert Alexander Kaseberg, by and through his attorney, and pursuant to
2 Federal Rules of Civil Procedure 26 and 34 and the Local Rules of this Court, responds
3 and objects to Defendant Conaco, LLC's ("Conaco") Requests for Production of
4 Documents and Things as follows:

5 **PRELIMINARY STATEMENT**

6 1. Plaintiff's investigation and development of all facts and circumstances
7 relating to this action is ongoing. These responses and objections are made without
8 prejudice to, and are not a waiver of, Plaintiff's right to rely on other facts or documents
9 at trial.

10 2. By making the accompanying responses and objections to Defendant's
11 requests for documents and interrogatory, Plaintiff does not waive, and hereby expressly
12 reserves, his right to assert any and all objections as to the admissibility of such
13 responses into evidence in this action, or in any other proceedings, on any and all
14 grounds including, but not limited to, competency, relevancy, materiality, and privilege.
15 Further, Plaintiff makes the responses and objections herein without in any way
16 implying that he considers the requests and interrogatory, and responses to the requests
17 and interrogatory, to be relevant or material to the subject matter of this action.

18 3. Plaintiff will produce responsive documents only to the extent that such
19 documents are in the possession, custody, or his control as set forth in the Federal Rules
20 of Civil Procedure. Plaintiff's possession, custody, or control does not include any
21 constructive possession that may be conferred by Plaintiff's right or power to compel
22 the production of documents or information from third parties.

23 4. A response to a document request or interrogatory stating that objections
24 and/or indicating that documents will be produced shall not be deemed or construed that
25 there are, in fact, responsive documents, that Plaintiff performed any of the acts
26 described in the document request, interrogatory, or definitions and/or instructions
27 applicable to the document request or interrogatory, or that Plaintiff acquiesces in the
28 characterization of the conduct or activities contained in the document request,

1 interrogatory, or definitions and/or instructions applicable to the document request or
2 interrogatory.

3 5. Plaintiff expressly reserves the right to supplement, clarify, revise, or
4 correct any or all of the responses and objections herein, and to assert additional
5 objections or privileges, in one or more subsequent supplemental response(s).

6 6. Plaintiff will make available for inspection at Plaintiff's attorney's offices
7 responsive documents. Alternatively, Plaintiff will produce copies of the documents.

8 7. Publicly available documents including, but not limited to, newspaper
9 clippings, court papers, and documents available on the Internet, will not be produced.

10 **GENERAL RESPONSES AND OBJECTIONS**

11 1. Plaintiff objects to each instruction, definition, document request, and
12 interrogatory to the extent that it purports to impose any requirement or discovery
13 obligation greater than or different from those under the Federal Rules of Civil
14 Procedure and the applicable Rules and Orders of the Court.

15 2. Objection is made to the interrogatories to the extent the proposed
16 discovery is not relevant to the subject matter of the lawsuit and will not lead to the
17 discovery of admissible evidence or the proposed discovery goes beyond the subject
18 matter of the case and reasonable expectations of obtaining information that will aid
19 resolution of the dispute.

20 3. Objection is made to the interrogatories to the extent the request would
21 require the responding party to create a document not in existence. 4. Objection is
22 made to each interrogatory that is overly broad, unduly burdensome, or not reasonably
23 calculated to lead to the discovery of admissible evidence.

24 .

25 5. Objection is made to each instruction, definition, document request, and
26 interrogatory to the extent that it seeks documents protected from disclosure by the
27 attorney-client privilege, deliberative process privilege, attorney work-product doctrine,
28

1 or any other applicable privilege. Should any such disclosure by Plaintiff occur, it is
2 inadvertent and shall not constitute a waiver of any privilege.

3 6. Objection is made to each instruction, definition, document request, and
4 interrogatory as overbroad and unduly burdensome to the extent it seeks documents or
5 information that are readily or more accessible to Defendant from Defendant's own
6 files, from documents or information in Defendant's possession, or from documents or
7 information that Defendant previously produced to Plaintiff. Responding to such
8 requests and interrogatory would be oppressive, unduly burdensome, and unnecessarily
9 expensive, and the burden of responding to such requests and interrogatory is
10 substantially the same or less for Defendant as for Plaintiff.

11 7. Objection is made to Defendant's interrogatories that call for the
12 production of documents or information that were produced to the Plaintiff by other
13 entities and that may contain confidential, proprietary, or trade secret information.

14 8. Objection is made to the extent any of Defendant's interrogatories seek
15 documents or answers that include expert material, including but not limited to receipts,
16 photos or claim documents, Plaintiff objects to any such requests and interrogatory as
17 premature and expressly reserves the right to supplement, clarify, revise, or correct any
18 or all responses to such requests, and to assert additional objections or privileges, in one
19 or more subsequent supplemental response(s) in accordance with the time period for
20 exchanging expert reports set by the Court. See Procter & Gamble Co. v. Haugen, 427
21 F.3d 727 (10th Cir. 2005), which limits a litigant's duties to produce data owned by
22 somebody else. See also FRCP 26, 34(a) and 703.

23 9. Objection is made to the interrogatories to the extent that it seeks the
24 identity, mental impressions, opinions, and/or documents or tangible things containing
25 such information of consulting experts either informally consulted or specially retained
26 in anticipation of litigation or preparation for trial that were not reviewed by a testifying
27 expert witness. See Procter & Gamble Co. v. Haugen, 427 F.3d 727 (10th Cir. 2005),
28

1 which limits a litigant's duties to produce data owned by somebody else. See also
2 FRCP 26, 34(a) and 703.

3 10. Objection is made to the interrogatories to the extent that the discovery
4 sought is unreasonably cumulative or duplicative.

5 11. Objection is made to the interrogatories to the extent the discovery sought
6 is obtainable from some other source that is more convenient, less burdensome, or less
7 expensive. See 5 CFR 1201.72.

8 12. Plaintiff incorporates by reference every general objection set forth above
9 into each specific response set forth below. A specific response may repeat a general
10 objection for emphasis or some other reason. The failure to include any general
11 objection in any specific response does not waive any general objection to that request.

12 13. Plaintiff reserves the right to amend a prior response to an interrogatory if
13 Plaintiff learns that the response is, in some material respect, incomplete or incorrect
14 and if the additional or corrective information has not otherwise been made known to
15 other parties during the discovery process or in writing.

16 **INTERROGATORY NO. 1:**

17 Separately, for each of the JOKES AT ISSUE, identify the time, date, and forum for
18 every instance of publication.

19 **RESPONSE TO INTERROGATORY NO. 1:**

20 Each of Respondent's jokes were created at Respondent's home. Respondent
21 creates the jokes prior to publishing them on the internet.

22 **INTERROGATORY NO. 2:**

23 Separately, for each of the JOKES AT ISSUE, identify the original and unique
24 components YOU believe DEFENDANTS have unlawfully copied.

25 **RESPONSE TO INTERROGATORY NO. 2:**

26 Respondent refers to and incorporates by reference its General Objections as though set
27 forth in full herein. Respondent further objects to this Interrogatory on the basis that
28

1 the question calls for a legal conclusion and the answer is set forth in Respondent's
2 complaint.

3 **INTERROGATORY NO. 3:**

4 For each of the JOKES AT ISSUE, describe in detail YOUR conception, development,
5 creation, and authorship.

6 **RESPONSE TO INTERROGATORY NO. 3:**

7 Respondent objects to this Interrogatory on the basis that the question is
8 compound and vague and ambiguous as to the term "conception", "development",
9 "creation" and "authorship". Without waiving said objections, Respondent responds:

10 1. Watched Conan show and wanted to see if he could come up with another
11 joke. 2. Respondent came up with joke after learning that Tom Brady planned to
12 give Malcolm Butler the MVP Chevy truck.

13 3. Respondent came up with the joke after learning about the measurements
14 of the Washington Monument.

15 4. Respondent came up with the joke after reading about Caitlyn Jenner's
16 Malibu crash..

17 **INTERROGATORY NO. 4:**

18 For each of the JOKES AT ISSUE, state all facts relating to YOUR independent
19 creation thereof, including specific details sufficient to identify the websites and/or
20 other news and information sources you visited that provided the content to which each
21 of the JOKES AT ISSUE relate.

22 **RESPONSE TO INTERROGATORY NO. 4:**

23 Respondent refers to and incorporates by reference its General Objections as though set
24 forth in full herein. Respondent further objects to this Request to the extent it purports
25 to require the identification of documents from sources that are not reasonably
26 accessible because of undue burden. Without waiving said objections, Respondent
27 responds: Respondent came up with the jokes after hearing about certain subjects in the
28 news. Discovery is continuing as to specific information sources.

1 **INTERROGATORY NO. 5:**

2 State all facts relating to YOUR ownership of the copyrights related to the JOKES AT
3 ISSUE.

4 **RESPONSE TO INTERROGATORY NO. 5:**

5 Respondent objects to this Interrogatory on the basis that the question is vague and
6 ambiguous as to the term "ownership". Without waiving said objections, Respondent
7 has registered copyrights for the jokes created.

8 **INTERROGATORY NO. 6:**

9 State all facts relating to DEFENDANTS' opportunity to view or copy the JOKES AT
10 ISSUE.

11 **RESPONSE TO INTERROGATORY NO. 6:**

12 Respondent refers to and incorporates by reference its General Objections as though set
13 forth in full herein. Respondent further objects to this Interrogatory on the basis that the
14 answer is set forth in Respondent's Complaint. Without waiving said objections,
15 Respondent maintains a facebook, twitter and blog page that are all publicly available
16 and accessible. Discovery is continuing.

17 **INTERROGATORY NO. 7:**

18 State all facts establishing a chain of events linking the JOKES AT ISSUE and
19 DEFENDANTS' access thereof.

20 **RESPONSE TO INTERROGATORY NO. 7:**

21 Respondent refers to and incorporates by reference its General Objections as though set
22 forth in full herein. Respondent further objects to the extent calls for the creation of a
23 document not in existence and (2) to the extent it calls for the identification of
24 documents or information subject to the attorney-client privilege, the attorney work-
25 product doctrine, or any other applicable privileges. The interrogatory also is vague and
26 ambiguous as the terms "chain of events". Respondent cannot provide an intelligent
27 response without speculating as to the meaning.

28 **INTERROGATORY NO. 8:**

1 State all facts establishing the JOKES AT ISSUE have been widely disseminated.

2 **RESPONSE TO INTERROGATORY NO. 8:**

3 Respondent refers to and incorporates by reference its General Objections as though set
4 forth in full herein. Respondent further objects to this Interrogatory on the basis that the
5 answer is set forth in Respondent's Complaint. The interrogatory also is vague and
6 ambiguous as the terms "JOKES AT ISSUE have been widely disseminated".

7 Respondent cannot provide an intelligent response without speculating as to the
8 meaning.

9 **INTERROGATORY NO. 9:**

10 Identify all persons with any knowledge of any of the facts YOU stated in YOUR
11 response to Interrogatories Nos. 1-8.

12 **RESPONSE TO INTERROGATORY NO. 9:**

13 Respondent refers to and incorporates by reference its General Objections as though set
14 forth in full herein. Respondent further objects to this Interrogatory on the basis that it
15 violates Rule 33 and does not contain discrete subparts, further the question overly
16 broad and vague as to time and scope and is thus oppressive and burdensome. Without
17 waiving said objection Respondent's responds: Respondent did not talk anyone prior to
18 the creation of the jokes.

19 **INTERROGATORY NO. 10:**

20 Identify every instance within the last five years in which YOU have submitted YOUR
21 alleged original content to a television show, web or print publication, or other media
22 entity either for compensation or consideration for an employment position.

23 **RESPONSE TO INTERROGATORY NO. 10:**

24 Respondent refers to and incorporates by reference its General Objections as though set
25 forth in full herein. Respondent further objects to this Request to the extent it seeks
26 information which is not relevant to any party's claim or defense and is not reasonably
27 calculated to lead to the discovery of relevant, admissible evidence. Respondent further
28

objects that this question seeks information that is private and confidential and may violate the privacy rights as to the third parties who accepted submissions.

INTERROGATORY NO. 11:

Identify every instance within the last five years in which YOU have sold any of YOUR original content and identify the original content YOU sold.

RESPONSE TO INTERROGATORY NO. 11:

Respondent refers to and incorporates by reference its General Objections as though set forth in full herein. Respondent further objects to this Request to the extent it seeks information which is not relevant to any party's claim or defense and is not reasonably calculated to lead to the discovery of relevant, admissible evidence. Respondent further objects that this question seeks information that is private and confidential and my violate the privacy rights as to the third parties who accepted submissions.

INTERROGATORY NO. 12:

Separately, for each instance identified in YOUR response to Interrogatory No. 11, identify the contact information for each purchaser, including name, address, phone number and email address and the amount of compensation YOU received.

RESPONSE TO INTERROGATORY NO. 12:

Respondent refers to and incorporates by reference its General Objections as though set forth in full herein. Respondent further objects to this Request to the extent it seeks information which is not relevant to any party's claim or defense and is not reasonably calculated to lead to the discovery of relevant, admissible evidence. Respondent further objects that this question seeks information that is private and confidential and my violate the privacy rights or trade secrets of the third parties who accepted submissions.

INTERROGATORY NO. 13:

Please state with particularity YOUR understanding of the fair market value for a joke in the same or similar format as the JOKES AT ISSUE, and on what basis you reached that understanding.

RESPONSE TO INTERROGATORY NO. 13:

Respondent refers to and incorporates by reference its General Objections as though set forth in full herein. Respondent further objects to this Request, (1) to the extent it calls for the creation of a document not in existence and (2) to the extent it calls for the identification of documents or information subject to the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges. Respondent further objects that this question seeks expert opinion from a lay witness. That also seeks information that is private and confidential and may violate the privacy rights or trade secrets of the third parties who accepted submissions.

INTERROGATORY NO. 14:

State with particularity how YOU calculated or quantified the amount of damages YOU claim to have suffered as a result of DEFENDANTS' purported infringement, as alleged in the COMPLAINT.

RESPONSE TO INTERROGATORY NO. 14:

Respondent refers to and incorporates by reference its General Objections as though set forth in full herein. Respondent further objects to this Request, (1) to the extent it calls for the creation of a document not in existence and (2) to the extent it calls for the identification of documents or information subject to the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges. Without waiving said objection, Respondent responds: Discovery is continuing, however 17 USC 504 provides for statutory damages of \$150,000.00 per willful infringement as well as actual damages and profits of the infringer.

INTERROGATORY NO. 15:

State all facts that support YOUR Copyright Infringement claim against DEFENDANTS, as alleged in the COMPLAINT.

RESPONSE TO INTERROGATORY NO. 15:

Respondent refers to and incorporates by reference its General Objections as though set forth in full herein. Respondent further objects to this Interrogatory on the basis that it is overbroad, vague and ambiguous and is already contained in Respondent's complaint